



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H1046	3
H1047	4
H1048	5
H1049	7
H1050	8
H1051	10
H1052	12
HF253	13
HF254	15
HF255	19
HF256	22
HF257	24
HF258	26
HF259	38
HF260	72
HF261	85
HF262	88
HF263	107
HF264	117
HF265	119
HF266	122
HF267	125
HF268	133
HR17	137
HR18	140
HR19	142
HSB154	144
HSB155	149
HSB156	161
HSB157	164
HSB158	170
HSB159	175
SF219	190
SF220	192
SF221	194
SF222	198



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

SF223	200
SF224	203
SF225	206
SSB1182	208
SSB1183	211



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 209

H-1046

1 Amend House File 209 as follows:

2 1. Page 1, by striking lines 10 through 16 and
3 inserting <the complaint shall be dismissed. The
4 Not more than five days following the dismissal
5 determination, the complainant and the subject of the
6 complaint shall be sent by certified mail a copy of
7 the complaint and a notice of dismissal stating the
8 reason or reasons for the dismissal. If a copy of the
9 complaint was sent to the subject of the complaint,
10 a copy of the notice shall be sent to the subject of
11 the complaint. Not more than five days following the
12 dismissal determination, a copy of the complaint and
13 the notice of dismissal shall also be sent to every
14 board member by ordinary or electronic mail. If the
15 board chairperson determines>
16 2. Page 1, line 26, after <investigation.> by
17 inserting <The notice of dismissal shall include
18 a statement regarding the filing period for
19 reconsideration of legal sufficiency of the complaint.>

STECKMAN of Cerro Gordo

HF209.232 (3) 85

-1-

tm/rj

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 215

H-1047

- 1 Amend the amendment, H-1014, to House File 215, as
2 follows:
3 1. Page 2, line 8, by striking <two> and inserting
4 <four>
5 2. Page 2, line 10, by striking <two> and inserting
6 <four>
7 3. Page 2, line 25, by striking <two> and inserting
8 <four>
9 4. Page 2, line 27, by striking <two> and inserting
10 <four>

STECKMAN of Cerro Gordo



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 215

H-1048

- 1 Amend the amendment, H-1014, to House File 215 as
2 follows:
3 1. Page 1, after line 4 by inserting:
4 <Sec. _____. Section 8.57E, subsection 2, Code 2013,
5 is amended to read as follows:
6 2. Moneys in the taxpayers trust fund shall only be
7 used pursuant to appropriations or transfers made by
8 the general assembly for tax relief.>
9 2. Page 3, after line 3 by inserting:
10 <Sec. _____. Section 257.16A, Code 2013, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. 1A. For each fiscal year beginning
13 on or after July 1, 2013, and after the transfer
14 in section 257.16B, there is transferred from the
15 taxpayers trust fund created in section 8.57E to the
16 fund an amount necessary to lower all school district
17 adjusted additional property tax levy rates to the
18 statewide maximum adjusted additional property tax
19 levy rate pursuant to section 257.15, subsection 4,
20 after taking into account amounts allocated pursuant to
21 section 257.15, subsection 4, and amounts deposited in
22 the fund under section 423F.2, subsection 3.>
23 3. Page 3, by striking lines 6 through 36 and
24 inserting:
25 <1. a. A school district property tax replacement
26 fund is created in the state treasury under the
27 authority of the department of education. For each
28 fiscal year beginning on or after July 1, 2013, there
29 is transferred from the taxpayers trust fund created in
30 section 8.57E to the fund an amount necessary to make
31 all school district property tax replacement payments
32 under this section.
33 b. There is appropriated annually all moneys in
34 the fund to the department of education for purposes
35 of providing replacement payments to school districts
36 pursuant to this section.
37 2. For each budget year beginning on or after July
38 1, 2013, the amount of money in the school district
39 property tax replacement fund shall be used to provide
40 school district replacement payments to each school
41 district in the state as calculated in subsection 3,
42 paragraph "c", and subsection 4, if applicable.
43 3. For each budget year beginning on or after July
44 1, 2013, the department of management shall calculate
45 for each school district all of the following:
46 a. The state cost per pupil for the budget year
47 beginning July 1, 2012, multiplied by one hundred
48 percent less the regular program foundation base per
49 pupil percentage pursuant to section 257.1.
50 b. The state cost per pupil for the budget year

H1014.321 (2) 85

-1-

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1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

1 beginning July 1, 2013, multiplied by one hundred
2 percent less the regular program foundation base per
3 pupil percentage pursuant to section 257.1.
4 c. The amount of each school district's property
5 tax replacement payment. Each school district's
6 property tax replacement payment equals the school
7 district's weighted enrollment for the budget year
8 multiplied by the remainder of the amount calculated
9 for the school district under paragraph "b" minus
10 the amount calculated for the school district under
11 paragraph "a".
12 4. If an amount appropriated for a fiscal year is
13 insufficient to pay all school district replacement
14 payments for the budget year, the director of the
15 department of management shall prorate the amount of
16 each school district's property tax replacement payment
17 and notify the director of the department of education
18 of such prorated amounts.
19 5. School district replacement payments under this
20 section shall be paid by the department of education at
21 the same time and in the same manner as foundation aid
22 is paid and may be included in the monthly payment of
23 state aid under section 257.16, subsection 2.
24 6. Notwithstanding section 12C.7, subsection 2,
25 interest or earnings on moneys deposited in the fund
26 shall be credited to the fund. Moneys in the fund are
27 not subject to the provisions of section 8.33 and shall
28 not be transferred, used, obligated, appropriated,
29 or otherwise encumbered except as provided in this
30 section.>
31 4. Page 18, after line 23 by inserting:
32 <_. Title page, line 6, after <appropriations> by
33 inserting <and transfers>>
34 5. By renumbering as necessary.

WOOD of Scott

HALL of Woodbury

H1014.321 (2) 85

-2-

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2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 215

H-1049

- 1 Amend the amendment, H-1016, to House File 215, as
- 2 follows:
- 3 1. By striking page 1, line 48, through page 4,
- 4 line 47.
- 5 2. By renumbering as necessary.

DOLECHECK of Ringgold



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 215

H-1050

1 Amend the amendment, H-1033, to House File 215 as
2 follows:
3 1. Page 2, after line 38 by inserting:
4 <_____. By striking page 13, line 24, through page
5 21, line 26.
6 _____. Page 29, by striking lines 27 through 28 and
7 inserting <educational programs and assess student
8 learning, or to engage in peer review pursuant to
9 section 284.8, subsection 1. The>
10 _____. By striking page 30, line 28, through page 31,
11 line 11, and inserting <parents, students, and other
12 teachers. The first and second year of review shall be
13 conducted by a peer group of teachers. The peer group
14 shall review all of the peer group members. Peer group
15 reviews shall be formative and shall be conducted on
16 an informal, collaborative basis that is focused on
17 assisting each peer group member in achieving the goals
18 of the teacher's individual professional development
19 plan. Peer group reviews shall not be the basis for
20 recommending that a teacher participate in an intensive
21 assistance program, and shall not be used to determine
22 the compensation, promotion, layoff, or termination
23 of a teacher, or any other determination affecting a
24 teacher's employment status. However, as a result of a
25 peer group review, a teacher may elect to participate
26 in an intensive assistance program. Members of the
27 peer group shall be reviewed every third year by
28 at least one evaluator certified in accordance with
29 section 284.10.>
30 _____. Page 39, line 12, by striking <site-based
31 review council> and inserting <teacher advisory
32 committee>
33 _____. Page 39, line 13, by striking <3> and
34 inserting <4>
35 _____. Page 39, line 29, by striking <site-based
36 review council> and inserting <teacher advisory
37 committee>
38 _____. Page 40, lines 16 and 17, by striking
39 <site-based review council> and inserting <teacher
40 advisory committee>
41 _____. Page 40, line 18, by striking <council> and
42 inserting <committee>
43 _____. Page 41, by striking lines 16 through 35, and
44 inserting:
45 <4. a. Each school district attendance center
46 shall convene a teacher advisory committee composed
47 of an odd number of teachers who shall be appointed
48 by a majority vote of the teaching staff employed by
49 the school district to work at the attendance center
50 full-time. The committee shall review each application

H1033.329 (2) 85

-1-

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1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

1 submitted to the committee by a classroom teacher who
2 wishes to become a model, mentor, or lead teacher.
3 Applications selected by a simple majority vote of the
4 committee members shall be submitted by the committee
5 to the administrators of the attendance center.
6 Applicants shall be reviewed by the administrators
7 of the attendance center who shall, by a simple
8 majority final vote, determine whether to approve the
9 application. Any applicant who receives at least two
10 final votes is eligible for appointment as a model,
11 mentor, or lead teacher. If multiple applicants are
12 determined to be eligible, the eligible applicants
13 shall be interviewed by a team consisting of a member
14 of the teacher advisory committee; an administrator who
15 previously reviewed the application and voted on the
16 application; and the attendance center's principal,
17 who shall consider the advice of the teacher on the
18 interview team.>
19 _____. Page 42, line 1, by striking <c.> and
20 inserting <b.>
21 _____. By striking page 45, line 16, through page 46,
22 line 16.>
23 2. By renumbering as necessary.

MASCHER of Johnson



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 215

H-1051

- 1 Amend the amendment, H-1043, to House File 215, as
2 follows:
3 1. Page 1, by striking lines 2 through 4 and
4 inserting:
5 _____. Page 8, by striking line 7 and inserting
6 <employment in Iowa.
7 (1) Annually, the department shall report>
8 _____. Page 8, line 11, by striking <this paragraph>
9 and inserting <~~this paragraph~~ the indicators>
10 _____. Page 8, by striking lines 14 through 22
11 and inserting <administered by the same assessment
12 provider.
13 (2) Notwithstanding subparagraph (1), for the
14 school year beginning July 1, 2014, and each succeeding
15 school year, the rules shall provide that all students
16 enrolled in school districts in grades three through
17 eleven shall, within forty-five days of the end of the
18 school year, be administered an assessment that at a
19 minimum assesses the indicators identified in this
20 paragraph "b"; is aligned with the Iowa common core
21 standards in both content and rigor; is developed by a
22 consortium in which the state of Iowa is a participant;
23 accurately describes student achievement and>
24 _____. Page 8, line 26, before <The> by inserting:
25 <(3) The director shall establish a task force
26 to review and assist with the final development
27 and implementation of the assessment specified in
28 subparagraph (2). The task force members shall include
29 but not be limited to teachers, school administrators,
30 business leaders, representatives of state agencies,
31 and members of the general public. This subparagraph
32 is repealed July 1, 2015.
33 (4)>
34 _____. Page 8, line 29, after <paragraph> by
35 inserting <"b">
36 2. Page 1, by striking lines 26 through 28 and
37 inserting <with the career pathways leadership process;
38 and for other costs>
39 3. Page 1, line 39, by striking <until July 1,
40 2016, or>
41 4. Page 1, by striking lines 49 and 50 and
42 inserting:
43 _____. Page 45, line 29, by striking <index> and
44 inserting <grade>
45 _____. Page 45, by striking line 31 and inserting
46 <grade may also be used as one measure to rank and
47 classify schools>>
48 5. Page 2, after line 5 by inserting:
49 <_____. Page 46, line 7, by striking <index> and
50 inserting <grade>>

H1043.332 (3) 85

-1-

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1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

1 6. By renumbering as necessary.

JORGENSEN of Woodbury



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 215

H-1052

1 Amend the amendment, H-1043, to House File 215 as
2 follows:
3 1. Page 2, after line 5 by inserting:
4 <____. Page 48, after line 20 by inserting:
5 <DIVISION ____
6 TRANSPORTATION ASSISTANCE AID
7 Sec. _____. Section 257.31, subsection 17, paragraph
8 a, Code 2013, is amended to read as follows:
9 a. If a district's average transportation costs
10 per pupil exceed the state average transportation
11 costs per pupil determined under paragraph "c" by one
12 hundred-fifty-seventy percent, the committee may grant
13 transportation assistance aid to the district. Such
14 aid shall be miscellaneous income and shall not be
15 included in district cost.
16 Sec. _____. APPLICABILITY. This division of this Act
17 applies to school budget years beginning on or after
18 July 1, 2014.>>
19 2. By renumbering as necessary.

DOLECHECK of Ringgold

H1043.341 (2) 85

-1-

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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 253 - Introduced

HOUSE FILE 253
BY HEATON

A BILL FOR

1 An Act relating to early childhood Iowa initiative requirements
2 for area boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2017YH (2) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 253

1 Section 1. Section 256I.5, subsection 1, paragraph b, Code
2 2013, is amended to read as follows:

3 b. Regular audits every three years and other requirements
4 of fiscal agents for area boards.

5 EXPLANATION

6 This bill relates to early childhood Iowa initiative
7 requirements for area boards.

8 Code section 256I.5 requires the department of management
9 to adopt rules in consultation with the early childhood Iowa
10 state board for measures to provide fiscal oversight of the
11 initiative. One of the measures relates to regular audits and
12 other requirements of fiscal agents for area boards. The bill
13 requires the regular audit to be every three years.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 254 - Introduced

HOUSE FILE 254
BY THOMAS

A BILL FOR

1 An Act providing for zoos keeping dangerous wild animals,
2 making penalties applicable, and including applicability and
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2104HH (5) 85
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 254

1 Section 1. Section 717F.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12. "Zoo" means a park, building,
4 cage, enclosure, or other structure or premise in which a
5 dangerous wild animal is kept for public exhibition or viewing,
6 regardless of whether a person who owns or possesses the
7 dangerous wild animal receives compensation.

8 Sec. 2. Section 717F.7, subsection 20, Code 2013, is amended
9 to read as follows:

10 20. A person who keeps a dangerous wild animal pursuant to
11 all of the following conditions:

12 a. The person is licensed by the United States department of
13 agriculture as provided in 9 C.F.R. ch. I.

14 b. The person is registered by the department of agriculture
15 and land stewardship. Upon a complaint filed with the
16 department of agriculture and land stewardship, the department
17 ~~may~~ shall inspect the premises or investigate the practices of
18 the registered person and suspend or revoke the registration
19 for the same causes and in the same manner as provided in
20 section 162.12.

21 c. The location where the person keeps the dangerous
22 wild animal is not a zoo, unless the location is part of an
23 institution accredited or certified by the American zoo and
24 aquarium association.

25 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

27 Sec. 4. APPLICABILITY.

28 1. This section applies to a person who owns or possesses a
29 dangerous wild animal immediately prior to the effective date
30 of this Act as provided in section 717F.7, subsection 20, but
31 who is prohibited from owning or possessing a dangerous wild
32 animal on and after the effective date of this Act.

33 2. The person described in subsection 1 may continue to
34 own or possess the dangerous wild animal as provided in Code
35 chapter 717F in the same manner as a person who complies with

LSB 2104HH (5) 85

-1-

da/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 254

1 the requirements of section 717F.4. However, all of the
2 following apply:

3 a. The person has sixty days after the effective date of
4 this Act to comply with the requirements of section 717F.4,
5 subsection 3.

6 b. The person has until December 31, 2013, to comply with
7 the requirements of section 717F.4, subsection 4.

8 EXPLANATION

9 GENERAL. This bill amends Code chapter 717F, which
10 regulates the ownership or possession of dangerous wild
11 animals, including wolves, coyotes, jackals, hyenas, lions,
12 tigers, cougars, leopards, cheetahs, ocelots, servals, bears,
13 pandas, rhinoceroses, elephants, primates other than humans,
14 alligators, crocodiles, water monitors, venomous snakes,
15 and certain constrictors (pythons and anacondas). The
16 department of agriculture and land stewardship is charged with
17 administering and enforcing the Code chapter's provisions,
18 although the department may execute an agreement with
19 another government entity (Code section 717F.2). A person
20 is prohibited from owning or possessing such an animal or
21 transporting the animal into this state (Code section 717F.3).

22 EXCEPTIONS. There are several exceptions that allow a
23 person to own or possess a dangerous wild animal, including
24 a person who had possession of the animal on July 1, 2007,
25 subject to certain conditions (Code section 717F.4). A person
26 may also keep such an animal if specifically exempt from the
27 Code chapter (Code section 717F.7). One exemption applies to
28 an institution accredited or certified by the American zoo and
29 aquarium association. Another exemption applies to a person
30 who has been issued a license by the United States department
31 of agriculture to keep a dangerous wild animal so long as the
32 person is registered with the department of agriculture and
33 land stewardship and such registration has not been suspended
34 or revoked (Code section 162.12).

35 BILL'S PROVISIONS. The bill requires the department to,

LSB 2104HH (5) 85
da/nh

-2-

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 254

1 upon complaint, conduct an inspection of the premises or
2 investigate the practices of a registrant licensed by the
3 United States department of agriculture. It also provides
4 that if the dangerous wild animal is kept in a zoo, that zoo
5 must also be accredited or certified by the American zoo and
6 aquarium association. Finally, the bill allows a person no
7 longer qualifying for the exemption on the bill's effective
8 date to retain possession of the animal subject to the same
9 restrictions as a person who had possession of such animal on
10 July 1, 2007.

11 APPLICABLE ENFORCEMENT ACTIONS AND PENALTIES. A person
12 who violates a provision of the bill is subject to a number
13 of provisions. The person's dangerous wild animal is subject
14 to seizure, custody, and disposal (Code section 717F.5). The
15 person is subject to a civil penalty of not more than \$2,000
16 for each such animal involved in the violation (Code section
17 717F.11), a court may restrain a violation by issuing an
18 injunction (Code section 717F.12), and the person is guilty of
19 an aggravated misdemeanor if the person intentionally causes an
20 animal to escape. An aggravated misdemeanor is punishable by
21 confinement for no more than two years and a fine of at least
22 \$625 but not more than \$6,250.

23 EFFECTIVE DATE. The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 255 - Introduced

HOUSE FILE 255

BY WINCKLER, KRESSIG,
KAJTAZOVIC, WOLFE,
BEARINGER, KEARNS,
RUFF, THOMAS, THEDE,
ABDUL-SAMAD, ANDERSON,
WESSEL-KROESCHELL, LENSING,
HANSON, T. TAYLOR, and
DAWSON

A BILL FOR

1 An Act relating to direct and indirect costs under the
2 statewide preschool program for four-year-old children and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1825YH (4) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 255

1 Section 1. Section 256C.4, subsection 1, paragraphs g and h,
2 Code 2013, are amended to read as follows:

3 ~~g. For the fiscal year beginning July 1, 2011, and~~
4 ~~each succeeding fiscal year, of~~ Of the amount of preschool
5 foundation aid received by a school district for a fiscal year
6 in accordance with section 257.16, not more than five percent
7 may be used by the school district for the school district's
8 costs of administering the district's approved local program.

9 ~~h. For the fiscal year beginning July 1, 2012, and each~~
10 ~~succeeding fiscal year, of the amount of preschool foundation~~
11 ~~aid received by a school district for a fiscal year in~~
12 ~~accordance with section 257.16, not less than ninety-five~~
13 ~~percent of the per pupil amount shall be passed through to~~
14 If the students enrolled in a school district's approved
15 local program receive the program's preschool instruction
16 through or in conjunction with services provided to the
17 students by a community-based provider for each pupil enrolled
18 in the district's approved local program, the department's
19 administrative rules and other requirements applicable to
20 the provider and the school district's agreement with the
21 provider shall allow payment for the provider's direct and
22 indirect costs relating to the students. For the fiscal year
23 ~~beginning July 1, 2011, and each succeeding fiscal year, not~~
24 ~~more than five percent of the amount of preschool foundation~~
25 ~~aid passed through to a community-based provider may be used~~
26 ~~by the community-based provider for administrative costs. If~~
27 the community-based provider is not subject to an annual audit
28 in accordance with generally accepted accounting principles,
29 the provider shall utilize processes which shall be recommended
30 by the auditor of state to identify the provider's direct and
31 indirect costs attributable to the students enrolled in the
32 program.

33 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

35

EXPLANATION

LSB 1825YH (4) 85

-1-

jp/nh

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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 255

1 This bill relates to direct and indirect costs under the
2 statewide preschool program for four-year-old children.
3 The bill amends current law in Code section 256C.4 that
4 a limitation on administrative costs applies to the school
5 district's costs. A requirement to pass through a percentage
6 of the preschool foundation aid to community providers is
7 modified by the bill. If the students enrolled in a school
8 district's approved local preschool program receive the
9 program's preschool instruction through or in conjunction with
10 the services provided to the student by a community-based
11 provider, the department's administrative rules and other
12 requirements applicable to the provider and the school
13 district's agreement with the provider are required to allow
14 payment for the provider's direct and indirect costs relating
15 to the students.
16 If the community-based provider is not subject to an
17 annual audit in accordance with generally accepted accounting
18 principles, the provider is required to utilize processes
19 recommended by the auditor of state to identify the provider's
20 direct and indirect costs attributable to the students enrolled
21 in the program.
22 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 256 - Introduced

HOUSE FILE 256

BY WINCKLER, KRESSIG,
KAJTAZOVIC, WOLFE,
BEARINGER, KEARNS,
H. MILLER, THEDE,
ABDUL-SAMAD,
DUNKEL, STUTSMAN,
WESSEL-KROESCHELL, LENSING,
STAED, GASKILL, and HANSON

A BILL FOR

1 An Act relating to the membership requirements for early
2 childhood Iowa area boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1365YH (3) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 256

1 Section 1. Section 256I.7, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The early childhood Iowa functions for an area shall be
4 performed under the authority of an early childhood Iowa area
5 board. The initial members of an area board shall be elected
6 officials or members of the public who are not employed by a
7 provider of services to or for the area board. ~~In addition,~~
8 ~~the~~ However, for subsequent members, an area board's bylaws
9 may provide that not more than twenty percent of the area
10 board's voting membership may consist of persons who are
11 employed by a public agency provider of services to or for the
12 area board. The bylaws shall include provisions to reduce
13 the potential for conflicts of interest among such members.
14 The membership of an area board shall include representation
15 from early care, education, health, human services, business,
16 and faith interests, and at least one parent, grandparent,
17 or guardian of a child from zero through age five. For the
18 purposes of this paragraph, "public agency" means any agency of
19 state government or a city, county, school district, or other
20 political subdivision of this state.

21 EXPLANATION

22 This bill relates to the membership requirements for early
23 childhood Iowa area boards. Under current law, membership is
24 limited to persons who are either elected officials or members
25 of the public who are not employed by a provider of services to
26 or for the area board.

27 The bill provides that the limitation applies to the initial
28 members of an area board, and for subsequent members the
29 board's bylaws may provide for up to 20 percent of the voting
30 members to be employed by a public agency provider of services
31 to or for the area board. The bylaws shall include provisions
32 to reduce the potential for conflicts of interest among such
33 members. The term "public agency" is defined to mean any
34 agency of state government or a city, county, school district,
35 or other political subdivision of this state.

LSB 1365YH (3) 85

-1-

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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 257 - Introduced

HOUSE FILE 257
BY HEDDENS and T. TAYLOR

A BILL FOR

1 An Act relating to the regulation of tanning facilities.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1608YH (3) 85
mr/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 257

1 Section 1. NEW SECTION. 136D.3A Minors' use of tanning
2 devices prohibited.

3 A tanning facility shall not allow a person under eighteen
4 years of age to use a tanning device.

5 Sec. 2. Section 136D.4, subsection 1, paragraphs a and b,
6 Code 2013, are amended to read as follows:

7 a. A warning sign in a conspicuous location without
8 obstruction and readily visible to persons entering the
9 establishment. The signs shall comply with rules adopted by
10 the department.

11 b. A warning sign for each tanning device, in a conspicuous
12 location without obstruction and readily visible to a person
13 preparing to use the device. The sign shall comply with rules
14 adopted by the department.

15 Sec. 3. Section 136D.4, subsection 2, Code 2013, is amended
16 to read as follows:

17 2. A tanning facility shall provide each customer prior to
18 use of a tanning device with a written warning statement that
19 complies with rules adopted by the department.

20 EXPLANATION

21 This bill relates to tanning facilities and creates new Code
22 section 136D.3A prohibiting a tanning facility from allowing
23 individuals under 18 years of age to use a tanning device. The
24 bill also provides that warning signs be free from obstruction
25 and that a written warning statement be provided to each
26 customer prior to use of a tanning device.

27 A tanning facility that violates a provision of Code chapter
28 136D is subject to a civil penalty and injunctive relief.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 258 - Introduced

HOUSE FILE 258
BY PETTENGILL

A BILL FOR

1 An Act relating to mechanic's liens and the mechanics' notice
2 and lien registry.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2311YH (1) 85
rh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 Section 1. Section 572.8, subsection 1, paragraphs b and e,
2 Code 2013, are amended to read as follows:

3 b. The legal description ~~of~~ that accurately describes the
4 property to be charged with the lien.

5 e. The ~~tax~~ parcel identification number required by law to
6 be assigned to the property for real estate tax administration
7 purposes.

8 Sec. 2. Section 572.11, Code 2013, is amended to read as
9 follows:

10 **572.11 Extent of lien posted after ninety days.**

11 Liens perfected under section 572.10 shall be enforced
12 against the property or upon the bond, if given, by the owner
13 or by the owner-builder's buyer, only to the extent of the
14 balance due from the owner to the general contractor or from
15 the owner-builder's buyer to the owner-builder at the time of
16 the service of such notice; but if the bond was given by the
17 general contractor or owner-builder, or person contracting with
18 the subcontractor filing posting the claim for a lien, such
19 bond shall be enforced to the full extent of the amount found
20 due the subcontractor.

21 Sec. 3. Section 572.13A, subsections 1 and 2, Code 2013, are
22 amended to read as follows:

23 1. A general contractor, or owner-builder who has
24 contracted or will contract with a subcontractor to provide
25 labor or furnish material for the property, shall post a
26 notice of commencement of work to the mechanics' notice and
27 lien registry internet website ~~within~~ no later than ten days
28 ~~of~~ after the commencement of work on the property. A notice
29 of commencement of work is effective only as to any labor,
30 service, equipment, or material furnished to the property
31 subsequent to the posting of the notice of commencement of
32 work. A notice of commencement of work shall include all of
33 the following information:

34 a. The name and address of the owner.

35 b. The name, address, and telephone number of the general

LSB 2311YH (1) 85

-1-

rh/nh

1/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 contractor or owner-builder.
2 *c.* The address of the property or a description of the
3 location of the property if the property cannot be reasonably
4 identified by an address.
5 *d.* The legal description ~~of~~ that accurately describes the
6 property to be charged with the lien.
7 *e.* The date work commenced.
8 *f.* The ~~tax~~ parcel identification number required by law to
9 be assigned to the property for real estate tax administration
10 purposes.
11 *g.* Any other information prescribed by the administrator
12 pursuant to rule.
13 2. If a general contractor or owner-builder fails to
14 post the required notice of commencement of work to the
15 mechanics' notice and lien registry internet website pursuant
16 to subsection 1, ~~within~~ no later than ten days ~~of~~ after the
17 commencement of the work on the property, a subcontractor may
18 post the notice in conjunction with the ~~filing~~ posting of the
19 required preliminary notice pursuant to section 572.13B. A
20 notice of commencement of work must be posted to the mechanics'
21 notice and lien registry internet website before preliminary
22 notices pursuant to section 572.13B may be posted.
23 Sec. 4. Section 572.13A, subsection 3, paragraph c, Code
24 2013, is amended to read as follows:
25 *c.* The notice described in subsection 1 shall be sent to
26 the owner's address as posted to the mechanics' notice and
27 lien registry by the general contractor, owner-builder, or
28 subcontractor. ~~If the owner's address is different than the~~
29 ~~property address, a copy of the notice shall also be sent to~~
30 ~~the property address, addressed to the owner.~~
31 Sec. 5. Section 572.13A, subsection 3, Code 2013, is amended
32 by adding the following new paragraph:
33 NEW PARAGRAPH. *d.* Notices under this section shall not be
34 sent to owner-builders.
35 Sec. 6. Section 572.13B, subsection 1, paragraphs g and i,

LSB 2311YH (1) 85

-2-

rh/nh

2/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 Code 2013, are amended to read as follows:

2 *g.* The legal description ~~of~~ that accurately describes the
3 property to be charged with the lien.

4 *i.* The ~~tax~~ parcel identification number required by law to
5 be assigned to the property for real estate tax administration
6 purposes.

7 Sec. 7. Section 572.13B, subsection 2, Code 2013, is amended
8 to read as follows:

9 2. At the time a preliminary notice is posted to the
10 mechanics' notice and lien registry, the administrator shall
11 send notification to the owner, including the owner notice
12 described in section 572.13, subsection 1, and shall ~~docket~~
13 post the mailing of the notice on the mechanics' notice and
14 lien registry as prescribed by the administrator pursuant
15 to rule. Notices under this section shall not be sent to
16 owner-builders. Upon request, the administrator shall provide
17 ~~an affidavit of mailing~~ proof of service at no cost for the
18 notice required under this section.

19 Sec. 8. Section 572.15, Code 2013, is amended to read as
20 follows:

21 **572.15 Discharge of mechanic's lien — bond.**

22 A mechanic's lien may be discharged at any time by submitting
23 a bond to the administrator in twice the amount of the sum
24 for which the claim for the lien is ~~filed~~ posted, with surety
25 or sureties, to be approved by the administrator, conditioned
26 for the payment of any sum for which the claimant may obtain
27 judgment upon the claim.

28 Sec. 9. Section 572.19, Code 2013, is amended to read as
29 follows:

30 **572.19 Priority over garnishments of the owner.**

31 Mechanics' liens shall take priority ~~of~~ over all
32 garnishments of the owner for the contract debts, whether made
33 prior or subsequent to the commencement of the furnishing of
34 the material or performance of the labor, without regard to the
35 date of ~~filing~~ posting the claim for such lien.

LSB 2311YH (1) 85

-3-

rh/nh

3/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 Sec. 10. Section 572.22, unnumbered paragraph 1, Code 2013,
2 is amended to read as follows:

3 ~~The administrator shall endorse upon every claim for a~~
4 ~~mechanic's lien posted to the mechanics' notice and lien~~
5 ~~registry internet website the date and hour of posting.~~
6 Each claim posted to the mechanics' notice and lien registry
7 internet website shall be properly indexed and shall contain
8 the following items:

9 Sec. 11. Section 572.22, subsections 5 and 6, Code 2013, are
10 amended to read as follows:

11 5. The legal description ~~of~~ that accurately describes the
12 property to be charged with the lien.

13 6. The ~~tax~~ parcel identification number ~~of the property to~~
14 ~~be charged~~ required by law to be assigned to the property for
15 real estate tax administration purposes.

16 Sec. 12. Section 572.23, Code 2013, is amended to read as
17 follows:

18 **572.23 Acknowledgment of satisfaction of claim.**

19 1. When a mechanic's lien is satisfied by payment of the
20 claim, the claimant shall acknowledge post to the mechanics'
21 notice and lien registry an acknowledgment of satisfaction
22 ~~thereof of claim~~ and, if the claimant neglects to do so for
23 thirty days after demand in writing is personally served upon
24 the claimant, the claimant shall forfeit and pay twenty-five
25 dollars to the owner, general contractor, or owner-builder and
26 be liable to any person injured to the extent of the injury.

27 2. If ~~satisfaction is not acknowledged~~ an acknowledgment of
28 satisfaction of claim is not posted to the mechanics' notice
29 and lien registry within thirty days after service of the
30 demand in writing, the party serving the demand or causing the
31 demand to be served may ~~file for record with the administrator~~
32 post to the mechanics' notice and lien registry a copy of
33 the demand with proofs of service attached and endorsed and,
34 in case of service by publication, a personal affidavit that
35 personal service could not be made within this state. Upon



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 completion of the requirements of this subsection, the ~~record~~
2 posting shall be constructive notice to all parties of the
3 due forfeiture and cancellation of the lien. Upon the ~~filing~~
4 posting of the demand with the required attachments, the
5 administrator shall mail a date-stamped copy of the demand to
6 both parties.

7 Sec. 13. NEW SECTION. 572.23A Partial satisfaction of money
8 debt after posting notice.

9 1. A general contractor or subcontractor shall post an
10 acknowledgment of partial satisfaction of a money debt to the
11 mechanics' notice and lien registry for material, labor, and
12 equipment furnished by the general contractor or subcontractor.

13 2. If an acknowledgment of partial satisfaction pursuant
14 to subsection 1 is not posted to the mechanic's notice and
15 lien registry within thirty days after receipt of written
16 demand from the owner, general contractor, or owner-builder,
17 the owner, general contractor, or owner-builder may post an
18 acknowledgment of partial satisfaction of the money debt and a
19 copy of the written demand to the mechanics' notice and lien
20 registry.

21 3. This section applies in situations where the required
22 notices pursuant to sections 572.13A and 572.13B have been
23 posted to the mechanics' notice and lien registry but a
24 mechanic's lien has not been posted.

25 Sec. 14. Section 572.28, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. Upon the written demand of the owner served on the
28 ~~lienholder~~ claimant requiring the ~~lienholder~~ claimant to
29 commence action to enforce the lien, such action shall be
30 commenced within thirty days thereafter, or the lien and all
31 benefits derived therefrom shall be forfeited.

32 Sec. 15. Section 572.30, subsection 2, Code 2013, is amended
33 to read as follows:

34 2. Within fifteen days after receiving notice of nonpayment
35 the general contractor or owner-builder gives a bond ~~or makes~~

LSB 2311YH (1) 85

rh/nh

5/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 ~~a deposit with the administrator~~, in an amount not less than
2 the amount necessary to satisfy the nonpayment for which notice
3 has been given under this section, and in a form approved
4 by ~~a judge of the district court~~ the administrator, to hold
5 harmless the owner or person having the improvement made from
6 any claim for payment of anyone furnishing labor or material
7 for the improvement, other than the general contractor or
8 owner-builder.

9 Sec. 16. Section 572.31, Code 2013, is amended to read as
10 follows:

11 **572.31 Cooperative and condominium housing.**

12 A lien arising under this chapter as a result of the
13 construction of an apartment house or apartment building which
14 is owned on a cooperative basis under chapter 499A, or which is
15 submitted to a horizontal property regime under chapter 499B,
16 is not enforceable, notwithstanding any contrary provision of
17 this chapter, as against the interests of an owner in a unit
18 contained in the apartment house or apartment building acquired
19 in good faith and for valuable consideration, unless a lien
20 statement specifically describing the unit is ~~filed~~ posted
21 under section 572.8 within the applicable time period specified
22 in section 572.9, but determined from the date on which the
23 last of the material was supplied or the last of the labor was
24 performed in the construction of that unit.

25 Sec. 17. Section 572.33A, Code 2013, is amended to read as
26 follows:

27 **572.33A Liability of owner to general contractor —**
28 **commercial construction.**

29 1. An owner of a building, land, or improvement upon which
30 a mechanic's lien of a subcontractor may be ~~filed~~ posted, is
31 not required to pay the general contractor for compensation
32 for work done or material furnished for the building, land,
33 or improvement until the expiration of ninety days after the
34 completion of the building or improvement unless the general
35 contractor furnishes to the owner one of the following:

LSB 2311YH (1) 85

rh/nh

6/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 ~~1-~~ a. Receipts and waivers of claims for mechanics' liens,
2 signed by all persons who furnished material or performed labor
3 for the building, land, or improvement.

4 ~~2-~~ b. A good and sufficient bond to be approved by the
5 owner, conditioned that the owner shall be held harmless from
6 any loss which the owner may sustain by reason of the ~~filing~~
7 posting of mechanics' liens by subcontractors.

8 2. This section applies only to commercial construction
9 properties.

10 Sec. 18. Section 572.34, Code 2013, is amended to read as
11 follows:

12 **572.34 Mechanics' notice and lien registry — ~~residential~~**
13 **~~construction.~~**

14 1. A mechanics' notice and lien registry is created and
15 shall be administered by the administrator. The administrator
16 shall adopt rules pursuant to chapter 17A for the creation and
17 administration of the registry.

18 2. The mechanics' notice and lien registry shall be
19 accessible to the general public through the administrator's
20 internet website.

21 3. a. The administrator shall index the legal descriptions
22 of the properties for which notices and liens are posted to
23 the registry. For the purpose of performing a search of the
24 registry the legal description shall be the controlling index
25 category.

26 b. The registry shall be indexed by owner name, general
27 contractor name, mechanics' notice and lien registry number,
28 property address, legal description, ~~tax~~ parcel identification
29 number required by law to be assigned to the property for real
30 estate tax administration purposes, and any other identifier
31 considered appropriate as determined by the administrator
32 pursuant to rule.

33 4. ~~A general contractor, owner-builder, or subcontractor~~
34 Any person who posts fictitious, forged, or false information
35 to the mechanics' notice and lien registry shall be subject

LSB 2311YH (1) 85

-7-

rh/nh

7/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 to a penalty as determined by the administrator by rule in
2 addition to all other penalties and remedies available under
3 applicable law.

4 5. A person may post a correction statement with respect
5 to a record indexed ~~in~~ on the mechanics' notice and lien
6 registry internet website if the person believes the record is
7 inaccurate or wrongfully posted.

8 6. The administrator shall charge and collect fees as
9 established by rule necessary for the administration and
10 maintenance of the registry and the registry's internet
11 website. The administrator shall not charge a filing posting
12 fee for a preliminary notice required pursuant to this chapter
13 that exceeds the cost of sending such notice by certified mail
14 with restricted delivery and return receipt. The administrator
15 shall not charge a filing posting fee for a mechanic's lien
16 that exceeds forty dollars.

17 7. Notices ~~may~~ shall be posted to the mechanics' notice and
18 lien registry electronically on the administrator's internet
19 website, ~~or may be sent to the administrator for posting~~
20 ~~by United States mail or facsimile transmission, or other~~
21 ~~alternate method as provided by the administrator pursuant to~~
22 ~~rule. Notices received by United States mail or facsimile~~
23 ~~transmission shall be posted by the administrator to the~~
24 ~~mechanics' notice and lien registry within three business days~~
25 ~~of receipt.~~

26 8. Mechanics' liens ~~may~~ shall be posted to the mechanics'
27 notice and lien registry electronically on the administrator's
28 internet website ~~or may be sent to the administrator for~~
29 ~~posting by United States mail. Liens received by United States~~
30 ~~mail shall be posted by the administrator to the mechanics'~~
31 ~~notice and lien registry within three business days of receipt.~~

32 9. ~~The administrator shall send a receipt acknowledging a~~
33 ~~notice or lien submitted by United States mail or facsimile~~
34 ~~transmission, as provided by the administrator by rule.~~

35 9. The posting of a notice or a lien to the mechanics'

LSB 2311YH (1) 85

-8-

rh/nh

8/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 notice and lien registry internet website pursuant to this
2 chapter, along with the tender of the requisite filing fees and
3 the sending of an acknowledgment receipt by the administrator,
4 is equivalent to a filing and recording of the appropriate
5 notice or lien in the county in which the real estate is
6 located.

7 10. Information collected by and furnished to the
8 administrator in conjunction with the submission and posting of
9 notices pursuant to sections 572.13A and 572.13B shall be used
10 by the administrator solely for the purposes of the mechanics'
11 notice and lien registry.

12 11. Registration under chapter 91C shall not be required in
13 order to post a notice or a lien under this chapter.

14 12. A preliminary notice that remains posted on the
15 mechanics' notice and lien registry internet website two
16 years after the date of posting shall be declared inactive by
17 the administrator, unless renewed. A notice of commencement
18 of work, if there are no related active postings, shall be
19 declared inactive two years from the date of posting, unless
20 renewed. The administrator shall establish a process for the
21 removal of inactive notices and for the renewal of notices
22 pursuant to rule.

23 ~~12.~~ 13. The administrator shall make, or cause to be made,
24 preservation duplicates of mechanics' notice and lien registry
25 records, including records stored in a computer database. Any
26 preservation duplicate record shall be accurate, complete, and
27 clear, and shall be made, preserved, and made accessible to the
28 public by means designated by the administrator by rule.

29 EXPLANATION

30 This bill makes conforming language corrections relating
31 to the posting of precommencement and preliminary notices and
32 mechanic's liens on the mechanics' notice and lien registry
33 (registry) and related civil enforcement actions, to be
34 consistent with changes made in HF 675 (2012).

35 The bill also amends provisions relating to certain property

LSB 2311YH (1) 85

-9-

rh/nh

9/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 information required for precommencement and preliminary
2 notices.

3 The bill specifies that general contractors and
4 owner-builders do not have to send precommencement notices to
5 owner-builders.

6 The bill requires the administrator (secretary of state) to
7 provide proof of service for notices posted on the registry and
8 eliminates the requirement that the administrator endorse every
9 claim for a mechanic's lien posted on the registry.

10 The bill specifies that each claim posted to the
11 registry internet website shall be properly indexed by the
12 administrator, and shall include items including the name
13 of the person who posted the claim, the date and hour of
14 the posting, and the amount of the claim. The bill makes
15 changes to the registry indexing requirements and requires the
16 administrator to index the legal descriptions of the properties
17 for which notices and liens are posted to the registry.

18 The bill provides that when a mechanic's lien is satisfied
19 by payment of the claim, the claimant must acknowledge
20 satisfaction by posting an acknowledgment of the satisfaction
21 to the registry. If such an acknowledgment is not posted to
22 the registry within 30 days after service of the demand in
23 writing, the party serving the demand may post a copy of the
24 demand to the registry.

25 The bill provides that a general contractor or subcontractor
26 shall post an acknowledgment of partial satisfaction of a money
27 debt to the mechanics' notice and lien registry for material,
28 labor, and equipment furnished by the general contractor or
29 subcontractor. If an acknowledgment of partial satisfaction
30 is not posted to the registry within 30 days after receipt
31 of written demand from the owner, general contractor, or
32 owner-builder, the owner, general contractor, or owner-builder
33 may post an acknowledgment of partial satisfaction of the money
34 debt and a copy of the written demand to the mechanics' notice
35 and lien registry. This provision applies in situations where

LSB 2311YH (1) 85

-10-

rh/nh

10/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 258

1 the required notices pursuant to Code sections 572.13A and
2 572.13B have been posted to the mechanics' notice and lien
3 registry but a mechanic's lien has not been posted.

4 The bill provides that in a civil action by a subcontractor
5 or owner against a general contractor or owner-builder, a
6 bond given by a general contractor or owner-builder shall be
7 approved by the administrator instead of the court.

8 The bill provides that the posting by any person of
9 fictitious, forged, or false information to the registry is
10 subject to a penalty as determined by the administrator.

11 The bill provides that precommencement and preliminary
12 notices and mechanic's liens shall be posted to the mechanics'
13 notice and lien registry electronically on the administrator's
14 internet website.

15 The bill provides that the posting of a notice or a lien
16 to the mechanics' notice and lien registry internet website
17 along with the requisite filing fees and the sending of an
18 acknowledgment receipt by the administrator is equivalent to a
19 filing and recording of the appropriate notice or lien in the
20 county in which the real estate is located.

21 The bill provides that a preliminary notice that remains
22 posted on the mechanics' notice and lien registry internet
23 website two years after the date of posting shall be declared
24 inactive by the administrator, unless renewed. A commencement
25 of work, if there are no related active postings, shall be
26 declared inactive two years from the date of posting, unless
27 renewed. The administrator is also required to establish a
28 process for the removal of inactive notices and for the renewal
29 of notices pursuant to rule.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 259 - Introduced

HOUSE FILE 259
BY PETTENGILL

A BILL FOR

1 An Act modifying provisions applicable to electrician and
2 electrical contractor licensing and regulation, including
3 transition provisions, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1367YH (12) 85
rn/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 Section 1. Section 100C.10, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. The state fire marshal, or the state fire marshal's
4 designee, ~~and the chairperson of the electrical examining~~
5 ~~board created in section 103.2~~ shall be a nonvoting ex officio
6 ~~members~~ member of the board.

7 Sec. 2. Section 103.1, Code 2013, is amended to read as
8 follows:

9 **103.1 Definitions.**

10 As used in this chapter, unless the context otherwise
11 requires:

12 1. "*Apprentice electrician*" means any person who, as such
13 person's principal occupation, is engaged in learning and
14 assisting in the installation, alteration, and repair of
15 electrical wiring, apparatus, and equipment as an employee of a
16 person licensed under this chapter, and who is licensed by the
17 ~~board~~ state fire marshal and is progressing toward completion
18 of an apprenticeship training program registered by the office
19 of apprenticeship of the United States department of labor.
20 For purposes of this chapter, persons who are not engaged in
21 the installation, alteration, or repair of electrical wiring,
22 apparatus, and equipment, either inside or outside buildings,
23 shall not be considered apprentice electricians.

24 2. "*Board*" means the ~~electrical-examining~~ electrical contractors ~~board~~
25 board created under section 103.2.

26 3. "*Class A journeyman electrician*" means a person
27 having the necessary qualifications, training, experience,
28 and technical knowledge to wire for or install electrical
29 wiring, apparatus, and equipment and to supervise apprentice
30 electricians and who is licensed by the ~~board~~ state fire
31 marshal.

32 4. "*Class A master electrician*" means a person having the
33 necessary qualifications, training, experience, and technical
34 knowledge to properly plan, lay out, and supervise the
35 installation of electrical wiring, apparatus, and equipment for

LSB 1367YH (12) 85

-1-

rn/rj

1/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 light, heat, power, and other purposes and who is licensed by
2 the ~~board~~ state fire marshal.

3 5. "*Class B journeyman electrician*" means a person having
4 the necessary qualifications, training, experience, and
5 technical knowledge to wire for or install electrical wiring,
6 apparatus, and equipment who meets and is subject to the
7 restrictions of section 103.12.

8 6. "*Class B master electrician*" means a person having the
9 necessary qualifications, training, experience, and technical
10 knowledge to properly plan, lay out, and supervise the
11 installation of electrical wiring, apparatus, and equipment who
12 meets and is subject to the restrictions of section 103.10.

13 7. "*Electrical contractor*" means a person affiliated with an
14 electrical contracting firm or business who is, or who employs
15 a person who is, licensed by the ~~board~~ state fire marshal as
16 either a class A or class B master electrician and who is also
17 registered with the state of Iowa as a contractor pursuant to
18 chapter 91C.

19 8. "*Farm*" means land, buildings and structures used for
20 agricultural purposes including but not limited to the storage,
21 handling, and drying of grain and the care, feeding, and
22 housing of livestock.

23 9. "*Industrial installation*" means an installation
24 intended for use in the manufacture or processing of products
25 involving systematic labor or habitual employment and includes
26 installations in which agricultural or other products are
27 habitually or customarily processed or stored for others,
28 either by buying or reselling on a fee basis.

29 10. "*Inspector*" means a person certified as an electrical
30 inspector upon such reasonable conditions as may be adopted by
31 the ~~board~~ state fire marshal. The ~~board~~ state fire marshal may
32 permit more than one class of electrical inspector.

33 11. "*New electrical installation*" means the installation of
34 electrical wiring, apparatus, and equipment for light, heat,
35 power, and other purposes.

LSB 1367YH (12) 85

-2-

rn/rj

2/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 12. *"Public use building or facility"* means any building
2 or facility designated for public use, including all property
3 owned and occupied or designated for use by the state of Iowa.

4 13. *"Residential electrician"* means a person having the
5 necessary qualifications, training, experience, and technical
6 knowledge to perform a residential installation.

7 14. *"Residential installation"* means the wiring for or
8 installation of electrical wiring, apparatus, and equipment in
9 a residence consisting of no more than four living units within
10 the same building.

11 15. *"Residential master electrician"* means a person having
12 the necessary qualifications, training, experience, and
13 technical knowledge to properly plan, lay out, and supervise
14 the performance of a residential installation.

15 16. *"Routine maintenance"* means the repair or replacement
16 of existing electrical apparatus or equipment, including but
17 not limited to wires, cables, switches, receptacles, outlets,
18 fuses, circuit breakers, and fixtures, of the same size and
19 type for which no changes in wiring are made, but does not
20 include any new electrical installation or the expansion or
21 extension of any circuit.

22 17. *"Special electrician"* means a person having the
23 necessary qualifications, training, and experience in wiring
24 or installing special classes of electrical wiring, apparatus,
25 equipment, or installations which shall include irrigation
26 system wiring, disconnecting and reconnecting of existing air
27 conditioning and refrigeration, and sign installation and who
28 is licensed by the ~~board~~ state fire marshal.

29 18. *"Unclassified person"* means any person, other than an
30 apprentice electrician or other person licensed under this
31 chapter, who, as such person's principal occupation, is engaged
32 in learning and assisting in the installation, alteration,
33 and repair of electrical wiring, apparatus, and equipment
34 as an employee of a person licensed under this chapter,
35 and who is licensed by the ~~board~~ state fire marshal as an

LSB 1367YH (12) 85

-3-

rn/rj

3/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 unclassified person. For purposes of this chapter, persons
2 who are not engaged in the installation, alteration, or repair
3 of electrical wiring, apparatus, and equipment, either inside
4 or outside buildings, shall not be considered unclassified
5 persons.

6 Sec. 3. Section 103.2, Code 2013, is amended to read as
7 follows:

8 ~~103.2 Electrical-examining~~ Electricians and electrical
9 contractors board created.

10 1. An ~~electrical-examining~~ electricians and electrical
11 contractors board is created within the division of state fire
12 marshal of the department of public safety and shall advise the
13 division in administering this chapter and perform its other
14 duties under this chapter. The board shall consist of eleven
15 voting members appointed by the governor and subject to senate
16 confirmation, all of whom shall be residents of this state.

17 2. The members shall be as follows:

18 a. Two members shall be journeyman electricians, one
19 a member of an electrical workers union covered under a
20 collective bargaining agreement and one not a member of a
21 union.

22 b. Two members shall be master electricians or electrical
23 contractors, one of whom is a contractor signed to a collective
24 bargaining agreement or a master electrician covered under a
25 collective bargaining agreement and one of whom is a contractor
26 not signed to a collective bargaining agreement or a master
27 electrician who is not a member of a union.

28 c. ~~One member~~ Two members shall be an electrical ~~inspector~~
29 inspectors.

30 d. Two members, one a union member covered under a
31 collective bargaining agreement and one who is not a member of
32 a union, each of whom shall not be a member of any of the groups
33 described in paragraphs "a" through "c", and shall represent the
34 general public.

35 e. ~~One member shall be the state fire marshal or a~~

LSB 1367YH (12) 85
rn/rj

4/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 ~~representative of the state fire marshal's office.~~
2 ~~f.~~ e. One member shall be a local building official
3 employed by a political subdivision to perform electrical
4 inspections for that political subdivision.
5 ~~g.~~ f. One member shall represent a public utility.
6 ~~h.~~ g. One member shall be an engineer licensed pursuant to
7 chapter 542B with a background in electrical engineering.
8 3. The public members of the board shall be allowed to
9 participate in administrative, clerical, or ministerial
10 functions incident to giving a licensure examination, but shall
11 not determine the content of the examination or determine
12 the correctness of the answers. Professional associations
13 or societies composed of licensed electricians may recommend
14 to the governor the names of potential board members whose
15 profession is representative of that association or society.
16 However, the governor is not bound by the recommendations.
17 A board member shall not be required to be a member of any
18 professional electrician association or society.
19 Sec. 4. Section 103.3, subsection 1, Code 2013, is amended
20 to read as follows:
21 1. Appointments to the board, ~~other than the state fire~~
22 ~~marshal or a representative of the state fire marshal's office,~~
23 shall be for three-year staggered terms and shall commence and
24 end as provided by section 69.19. ~~The most recently appointed~~
25 ~~state fire marshal, or a representative of the state fire~~
26 ~~marshal's office, shall be appointed to the board on an ongoing~~
27 ~~basis.~~ Vacancies shall be filled for the unexpired term by
28 appointment of the governor and shall be subject to senate
29 confirmation. Members shall serve no more than three terms or
30 nine years, whichever is least.
31 Sec. 5. Section 103.4, Code 2013, is amended to read as
32 follows:
33 **103.4 Organization and meetings of the board.**
34 1. The board shall elect annually from its members a
35 chairperson and a vice chairperson, ~~and shall hire and provide~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

~~1 staff to assist the board in administering this chapter. An
2 executive secretary designated by the board shall report to the
3 state fire marshal for purposes of routine board administrative
4 functions, and shall report directly to the board for purposes
5 of execution of board policy such as application of licensing
6 criteria and processing of applications. The board shall
7 hold at least one meeting quarterly at the location of the
8 board's principal office, and meetings shall be called at other
9 times by the chairperson or four members of the board. At
10 any meeting of the board, a majority of members constitutes a
11 quorum.~~

12 2. a. All meetings, actions, and deliberations of the
13 board shall be fully subject to and shall comply with the open
14 meetings and open records requirements of chapters 21 and 22.

15 b. Notwithstanding section 21.5, subsection 4, the office of
16 the citizens' aide without an order of the court and only for
17 purposes of conducting a confidential investigation in response
18 to a complaint relating to the board pursuant to section 2C.12,
19 shall have access to the minutes and audio recording of a
20 closed session of a meeting of the board.

21 Sec. 6. Section 103.6, Code 2013, is amended to read as
22 follows:

23 **103.6 Powers and duties.**

24 1. The ~~board~~ state fire marshal shall:

25 a. Adopt rules in consultation with the board pursuant to
26 chapter 17A and in doing so shall be governed by the minimum
27 standards set forth in the most current publication of the
28 national electrical code issued and adopted by the national
29 fire protection association, and amendments to the code, which
30 code and amendments shall be filed in the offices of the state
31 law library and the board and shall be a public record. The
32 board state fire marshal shall adopt rules reflecting updates
33 to the code and amendments to the code establish by rule an
34 electrical installation code governing the installation of
35 electrical work in this state. The board state fire marshal

LSB 1367YH (12) 85

-6-

rn/rj

6/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 shall promulgate and adopt rules establishing wiring standards
2 that protect public safety and health and property and that
3 apply to all electrical wiring which is installed subject to
4 this chapter.

5 ~~b. Revoke, suspend, or refuse to renew any license granted~~
6 ~~pursuant to this chapter when the licensee does any of the~~
7 ~~following:~~

8 ~~(1) Fails or refuses to pay any examination, license, or~~
9 ~~renewal fee required by law.~~

10 ~~(2) Is an electrical contractor and fails or refuses to~~
11 ~~provide and keep in force a public liability insurance policy~~
12 ~~and surety bond as required by the board.~~

13 ~~(3) Violates any political subdivision's inspection~~
14 ~~ordinances.~~

15 ~~c.~~ b. Adopt rules for continuing education requirements
16 for each classification of licensure established pursuant to
17 this chapter, and adopt all rules, not inconsistent with the
18 law, necessary for the proper performance of the duties of the
19 board.

20 ~~d.~~ c. Provide for the amount and collection of fees for
21 inspection and other services, by rule.

22 2. The board may, in its discretion, revoke, suspend, or
23 refuse to renew any license granted pursuant to this chapter
24 when the licensee violates any provision of the ~~national~~
25 electrical code as adopted pursuant to subsection 1, this
26 chapter, or any rule adopted pursuant to this chapter.

27 Sec. 7. Section 103.7, Code 2013, is amended to read as
28 follows:

29 **103.7 Electrician and installer licensing and inspection**
30 **fund.**

31 An electrician and installer licensing and inspection fund
32 is created in the state treasury as a separate fund under
33 the control of the ~~board~~ state fire marshal. All licensing,
34 examination, renewal, and inspection fees shall be deposited
35 into the fund and retained by and for the use of the ~~board~~ state

LSB 1367YH (12) 85

-7-

rn/rj

7/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 fire marshal. Expenditures from the fund shall be approved by
2 the sole authority of the ~~board in consultation with the state~~
3 fire marshal for any of the board's duties and the regulatory
4 or administrative functions of this chapter. Amounts deposited
5 into the fund shall be considered repayment receipts as defined
6 in section 8.2. Notwithstanding section 8.33, any balance
7 in the fund on June 30 of each fiscal year shall not revert
8 to the general fund of the state, but shall remain available
9 for the purposes of this chapter in subsequent fiscal years.
10 Notwithstanding section 12C.7, subsection 2, interest or
11 earnings on moneys deposited in the fund shall be credited to
12 the fund.

13 Sec. 8. Section 103.8, subsection 2, Code 2013, is amended
14 to read as follows:

15 2. Except as provided in sections 103.13 and 103.14, no
16 person shall, for another, plan, lay out, or supervise the
17 installation of wiring, apparatus, or equipment for electrical
18 light, heat, power, and other purposes unless the person is
19 ~~licensed by the board~~ under this chapter as an electrical
20 contractor, a class A master electrician, or a class B master
21 electrician.

22 Sec. 9. Section 103.10, Code 2013, is amended to read as
23 follows:

24 **103.10 Class A master electrician license — qualifications**
25 **— class B master electrician license.**

26 1. An applicant for a class A master electrician license
27 shall have at least one year's experience, acceptable to the
28 ~~board~~ state fire marshal, as a licensed class A or class B
29 journeyman electrician.

30 2. In addition, an applicant shall meet examination
31 criteria based upon the most recent ~~national~~ electrical code
32 adopted pursuant to section 103.6 and upon electrical theory,
33 as determined by the ~~board~~ state fire marshal.

34 3. a. An applicant who can provide proof acceptable to the
35 ~~board~~ state fire marshal that the applicant has been working in

LSB 1367YH (12) 85

-8-

rn/rj

8/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 the electrical business and involved in planning for, laying
2 out, supervising, and installing electrical wiring, apparatus,
3 or equipment for light, heat, and power since January 1, 1998,
4 and for a total of at least sixteen thousand hours, of which at
5 least eight thousand hours shall have been accumulated since
6 January 1, 1998, may be granted a class B master electrician
7 license without taking an examination. An applicant who is
8 issued a class B master electrician license pursuant to this
9 section shall not be authorized to plan, lay out, or supervise
10 the installation of electrical wiring, apparatus, and equipment
11 in a political subdivision which, prior to or after January 1,
12 2008, establishes licensing standards which preclude such work
13 by class B master electricians in the political subdivision.
14 The ~~board~~ state fire marshal shall adopt rules establishing
15 procedures relating to the restriction of a class B master
16 electrician license pursuant to this subsection.

17 **b.** A class B master electrician may become licensed as
18 a class A master electrician upon successful passage of the
19 examination prescribed in subsection 2.

20 **4.** A person licensed to plan, lay out, or supervise the
21 installation of electrical wiring, apparatus, or equipment for
22 light, heat, power, and other purposes and supervise apprentice
23 electricians by a political subdivision preceding January 1,
24 2008, pursuant to a supervised written examination, and who
25 is currently engaged in the electrical contracting industry,
26 shall be issued an applicable statewide license corresponding
27 to that licensure as a class A master electrician or electrical
28 contractor. The ~~board~~ state fire marshal shall adopt by rule
29 certain criteria for city examination standards satisfactory to
30 fulfill this requirement.

31 **5.** The ~~board~~ state fire marshal may reject an application
32 for licensure under this section from an applicant who would be
33 subject to suspension, revocation, or reprimand by the board
34 pursuant to section 103.35.

35 **Sec. 10.** Section 103.10A, Code 2013, is amended to read as

LSB 1367YH (12) 85

-9-

rn/rj

9/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 follows:

2 **103.10A Inactive master electrician license.**

3 The ~~board~~ state fire marshal may by rule create an inactive
4 master electrician license and establish a fee for such a
5 license. An applicant for an inactive master electrician
6 license shall, at a minimum, meet the requirements of this
7 chapter and requirements established by the ~~board~~ state fire
8 marshal by rule for licensure as a class A master electrician
9 or a class B master electrician. A person licensed as an
10 inactive master electrician shall not be authorized to act
11 as a master electrician, but shall be authorized to apply
12 for a class A master electrician license or a class B master
13 electrician license at a future date subject to conditions and
14 under procedures established by the ~~board~~ state fire marshal by
15 rule. The conditions and procedures shall include but not be
16 limited to completion of the required number of contact hours
17 of continuing education courses specified in section 103.18,
18 and paying the applicable license fee specified in section
19 103.19 for a class A master electrician license or class B
20 master electrician license.

21 Sec. 11. Section 103.11, Code 2013, is amended to read as
22 follows:

23 **103.11 Wiring or installing — supervising apprentices —**
24 **license required — qualifications.**

25 Except as provided in section 103.13, no person shall, for
26 another, wire for or install electrical wiring, apparatus,
27 or equipment, or supervise an apprentice electrician or
28 unclassified person, unless the person is licensed by the
29 ~~board~~ state fire marshal as an electrical contractor, a class
30 A master electrician, or a class B master electrician, or
31 is licensed as a class A journeyman electrician or a class
32 B journeyman electrician and is employed by an electrical
33 contractor or is working under the supervision of a class A
34 master electrician or a class B master electrician.

35 Sec. 12. Section 103.12, Code 2013, is amended to read as

LSB 1367YH (12) 85

-10-

rn/rj

10/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 follows:

2 103.12 Class A journeyman electrician license qualifications
3 — class B journeyman electrician license.

4 1. An applicant for a class A journeyman electrician
5 license shall have successfully completed an apprenticeship
6 training program registered by the office of apprenticeship
7 of the United States department of labor in accordance with
8 the standards established by that department or shall have
9 received training or experience for a period of time and under
10 conditions as established by the ~~board~~ state fire marshal by
11 rule.

12 2. In addition, an applicant shall meet examination
13 criteria based upon the most recent ~~national~~ electrical code
14 adopted pursuant to section 103.6 and upon electrical theory,
15 as determined by the ~~board~~ state fire marshal.

16 3. a. An applicant who can provide proof acceptable to the
17 ~~board~~ state fire marshal that the applicant has been employed
18 as a journeyman electrician since January 1, 1998, and for a
19 total of at least sixteen thousand hours, of which at least
20 eight thousand hours shall have been accumulated since January
21 1, 1998, may be granted a class B journeyman electrician
22 license without taking an examination. An applicant who is
23 issued a class B journeyman electrician license pursuant to
24 this section shall not be authorized to wire for or install
25 electrical wiring, apparatus, and equipment in a political
26 subdivision which, prior to or after January 1, 2008,
27 establishes licensing standards which preclude such work by
28 class B journeyman electricians in the political subdivision.
29 The ~~board~~ state fire marshal shall adopt rules establishing
30 procedures relating to the restriction of a class B journeyman
31 electrician license pursuant to this subsection.

32 b. A class B journeyman electrician may become licensed as
33 a class A journeyman electrician upon successful passage of the
34 examination prescribed in subsection 2.

35 4. A person licensed to wire for or install electrical

LSB 1367YH (12) 85

-11-

rn/rj

11/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 wiring, apparatus, or equipment or supervise an apprentice
2 electrician by a political subdivision preceding January 1,
3 2008, pursuant to a supervised written examination, and who is
4 currently engaged in the electrical contracting industry with
5 at least four years' experience, shall be issued an applicable
6 statewide license corresponding to that licensure as a class
7 A journeyman electrician or a class B journeyman electrician.
8 The ~~board~~ state fire marshal shall adopt by rule certain
9 criteria for city examination standards satisfactory to fulfill
10 this requirement.

11 5. The ~~board~~ state fire marshal may reject an application
12 for licensure under this section from an applicant who would be
13 subject to suspension, revocation, or reprimand by the board
14 pursuant to section 103.35.

15 Sec. 13. Section 103.12A, Code 2013, is amended to read as
16 follows:

17 103.12A Residential electrician and residential master
18 electrician license — qualifications.

19 1. The ~~board~~ state fire marshal may by rule provide for the
20 issuance of a residential electrician license, and may by rule
21 provide for the issuance of a residential master electrician
22 license.

23 a. A residential electrician license or residential master
24 electrician license, if established by the ~~board~~ state fire
25 marshal, shall be issued to applicants who meet qualifications
26 determined by the ~~board~~ state fire marshal, and shall be valid
27 for the performance of residential installations, subject to
28 limitations or restrictions established by the ~~board~~ state fire
29 marshal.

30 b. A person who, on or after July 1, 2009, holds a special
31 electrician license authorizing residential electrical
32 installation, granted pursuant to section 103.13, shall be
33 eligible for conversion of that special license to either
34 a residential electrician license or a residential master
35 electrician license, if established by the ~~board~~ state fire

LSB 1367YH (12) 85

-12-

rn/rj

12/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 marshal, in accordance with requirements and procedures
2 established by the board state fire marshal.

3 2. A person licensed by the board state fire marshal as
4 a class A journeyman electrician or a class B journeyman
5 electrician, or as a class A master electrician or a class B
6 master electrician, shall not be required to hold a residential
7 electrician or residential master electrician license to
8 perform any type of residential installation authorized for a
9 person licensed pursuant to this section.

10 3. The board state fire marshal may reject an application
11 for licensure under this section from an applicant who would be
12 subject to suspension, revocation, or reprimand by the board
13 pursuant to section 103.35.

14 Sec. 14. Section 103.13, Code 2013, is amended to read as
15 follows:

16 **103.13 Special electrician license — qualifications.**

17 1. The board state fire marshal shall by rule provide for
18 the issuance of special electrician licenses authorizing the
19 licensee to engage in a limited class or classes of electrical
20 work, which class or classes shall be specified on the license.
21 Each licensee shall have experience, acceptable to the board
22 state fire marshal, in each such limited class of work for
23 which the person is licensed.

24 2. Notwithstanding section 103.8, a person who holds a
25 special electrician license is not required to obtain an
26 electrical contractor license to engage in the business of
27 providing new electrical installations or any other electrical
28 services if such installations or services fall within the
29 limited class of special electrical work for which the person
30 holds the special electrician license.

31 3. The board state fire marshal may reject an application
32 for licensure under this section from an applicant who would be
33 subject to suspension, revocation, or reprimand by the board
34 pursuant to section 103.35.

35 Sec. 15. Section 103.15, Code 2013, is amended to read as

LSB 1367YH (12) 85

-13-

rn/rj

13/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 follows:

2 **103.15 Apprentice electrician — unclassified person.**

3 1. A person shall be licensed by the ~~board~~ state fire
4 marshal and pay a licensing fee to work as an apprentice
5 electrician while participating in an apprenticeship training
6 program registered by the office of apprenticeship of the
7 United States department of labor in accordance with the
8 standards established by that department. An apprenticeship
9 shall be limited to six years from the date of licensure,
10 unless extended by the ~~board~~ state fire marshal upon a finding
11 that a hardship existed which prevented completion of the
12 apprenticeship program. Such licensure shall entitle the
13 licensee to act as an apprentice to an electrical contractor,
14 a class A master electrician, a class B master electrician,
15 a class A journeyman electrician, or a class B journeyman
16 electrician as provided in subsection 3.

17 2. *a.* A person shall be licensed as an unclassified person
18 by the ~~board~~ state fire marshal to perform electrical work
19 if the work is performed under the personal supervision of a
20 person actually licensed to perform such work and the licensed
21 and unclassified persons are employed by the same employer. A
22 person shall not be employed continuously for more than one
23 hundred days as an unclassified person without having obtained
24 a current license from the ~~board~~ state fire marshal. For the
25 purposes of determining whether a person has been "*employed*
26 *continuously*" for more than one hundred days under this
27 subsection, employment shall include any days not worked due to
28 illness, holidays, weekend days, and other absences that do not
29 constitute separation from or termination of employment. Any
30 period of employment as a nonlicensed unclassified person shall
31 not be credited to any applicable experiential requirement of
32 an apprenticeship training program registered by the office of
33 apprenticeship of the United States department of labor.

34 *b.* Licensed persons shall not permit unclassified
35 persons to perform electrical work except under the personal

LSB 1367YH (12) 85

-14-

rn/rj

14/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 supervision of a person actually licensed to perform such
2 work. Unclassified persons shall not supervise the performance
3 of electrical work or make assignments of electrical work
4 to unclassified persons. Any person employing unclassified
5 persons performing electrical work shall maintain records
6 establishing compliance with this section, which shall
7 designate all unclassified persons performing electrical work.

8 3. Apprentice electricians and unclassified persons shall
9 do no electrical wiring except under the direct personal
10 on-the-job supervision and control and in the immediate
11 presence of a licensee as specified in section 103.11. Such
12 supervision shall include both on-the-job training and
13 related classroom training as approved by the board state fire
14 marshal. The licensee may employ or supervise apprentice
15 electricians and unclassified persons at a ratio not to exceed
16 three apprentice electricians and unclassified persons to one
17 licensee, except that such ratio and the other requirements
18 of this section shall not apply to apprenticeship classroom
19 training.

20 4. For purposes of this section, *"the direct personal*
21 *on-the-job supervision and control and in the immediate presence*
22 *of a licensee"* shall mean the licensee and the apprentice
23 electrician or unclassified person shall be working at the same
24 project location but shall not require that the licensee and
25 apprentice electrician or unclassified person be within sight
26 of one another at all times.

27 5. An apprentice electrician shall not install, alter, or
28 repair electrical equipment except as provided in this section,
29 and the licensee employing or supervising an apprentice
30 electrician shall not authorize or permit such actions by the
31 apprentice electrician.

32 6. The board state fire marshal may reject an application
33 for licensure under this section from an applicant who would be
34 subject to suspension, revocation, or reprimand by the board
35 pursuant to section 103.35.

LSB 1367YH (12) 85

-15-

rn/rj

15/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 Sec. 16. Section 103.16, Code 2013, is amended to read as
2 follows:

3 **103.16 License examinations.**

4 1. Examinations for licensure shall be offered as often
5 as deemed necessary by the ~~board~~ state fire marshal, but no
6 less than one time per quarter. The scope of the examinations
7 and the methods of procedure shall be prescribed by the ~~board~~
8 state fire marshal. The examinations given by the ~~board~~ state
9 fire marshal shall be the Experiior assessment examination, or a
10 successor examination approved by the ~~board~~ state fire marshal,
11 or an examination prepared by a third-party testing service
12 which is substantially equivalent to the Experiior assessment
13 examination, or a successor examination approved by the ~~board~~
14 state fire marshal.

15 2. An examination may be given by representatives of the
16 ~~board~~ state fire marshal. ~~As soon as practicable after the~~
17 ~~close of each examination, a report shall be filed in the~~
18 ~~office of the secretary of the board by the board. The report~~
19 ~~shall show the action of the board upon each application and~~
20 ~~the secretary of the board shall notify each applicant of the~~
21 ~~result of the applicant's examination. Procedures regarding~~
22 notification of examination results shall be established by
23 the state fire marshal by rule. Applicants who fail the
24 examination once shall be allowed to take the examination at
25 the next scheduled time. Thereafter, the applicant shall
26 be allowed to take the examination at the discretion of the
27 ~~board~~ state fire marshal. An applicant who has failed the
28 examination may request, in writing, information from the ~~board~~
29 state fire marshal concerning the applicant's examination grade
30 and subject areas or questions which the applicant failed to
31 answer correctly, except that if the ~~board~~ state fire marshal
32 administers a uniform, standardized examination, the ~~board~~
33 state fire marshal shall only be required to provide the
34 examination grade and such other information concerning the
35 applicant's examination results which are available to the

LSB 1367YH (12) 85

-16-

rn/rj

16/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 ~~board~~ state fire marshal.

2 Sec. 17. Section 103.17, Code 2013, is amended to read as
3 follows:

4 103.17 Disclosure of confidential information — ~~criminal~~
5 ~~penalty~~.

6 ~~1. A member of the board~~ The state fire marshal shall not
7 disclose information relating to the following:

8 ~~a.~~ 1. Criminal history or prior misconduct of an applicant.

9 ~~b.~~ 2. Information relating to the contents of an
10 examination.

11 ~~c.~~ 3. Information relating to examination results other
12 than a final score except for information about the results of
13 an examination given to the person who took the examination.

14 ~~2. A member of the board who willfully communicates or seeks~~
15 ~~to communicate such information, and any person who willfully~~
16 ~~requests, obtains, or seeks to obtain such information, is~~
17 ~~guilty of a simple misdemeanor.~~

18 Sec. 18. Section 103.18, Code 2013, is amended to read as
19 follows:

20 103.18 License renewal — continuing education.

21 In order to renew a class A master electrician, class B
22 master electrician, class A journeyman electrician, or class B
23 journeyman electrician license issued pursuant to this chapter,
24 the licensee shall be required to complete eighteen contact
25 hours of continuing education courses approved by the ~~board~~
26 state fire marshal during the three-year period for which a
27 license is granted. The contact hours shall include a minimum
28 of six contact hours studying the ~~national~~ electrical code
29 described in section 103.6, and the remaining contact hours may
30 include study of electrical circuit theory, blueprint reading,
31 transformer and motor theory, electrical circuits and devices,
32 control systems, programmable controllers, and microcomputers
33 or any other study of electrical-related material that is
34 approved by the ~~board~~ state fire marshal. Any additional hours
35 studying the ~~national~~ electrical code shall be acceptable. For

LSB 1367YH (12) 85

-17-

rn/rj

17/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 purposes of this section, "*contact hour*" means fifty minutes of
2 classroom attendance at an approved course under a qualified
3 instructor approved by the ~~board~~ state fire marshal.

4 Sec. 19. Section 103.19, Code 2013, is amended to read as
5 follows:

6 **103.19 Licenses — expiration — application — fees.**

7 1. Licenses issued pursuant to this chapter shall
8 expire every three years, with the exception of licenses for
9 apprentice electricians and unclassified persons, which shall
10 expire on an annual basis. All license applications shall
11 include the applicant's social security number, which shall be
12 maintained as a confidential record and shall be redacted prior
13 to public release of an application or other record containing
14 such social security number. The ~~board~~ state fire marshal
15 shall establish the fees to be payable for license issuance and
16 renewal in amounts not to exceed the following:

17 a. For each year of the three-year license period for
18 issuance and renewal:

19 (1) Electrical contractor, one hundred twenty-five dollars.

20 (2) Class A master electrician, class B master electrician,
21 residential master electrician, one hundred twenty-five
22 dollars.

23 (3) Class A journeyman electrician, class B journeyman
24 electrician, residential electrician, or special electrician,
25 twenty-five dollars.

26 b. For apprentice electricians or unclassified persons,
27 twenty dollars.

28 2. The holder of an expired license may renew the license
29 for a period of three months from the date of expiration upon
30 payment of the license fee plus ten percent of the renewal fee
31 for each month or portion thereof past the expiration date.
32 All holders of licenses expired for more than three months
33 shall apply for a new license.

34 3. If the ~~board~~ state fire marshal determines that all
35 licenses shall expire on the same date every three years for

LSB 1367YH (12) 85

-18-

rn/rj

18/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 licenses specified in subsection 1, paragraph "a", the license
2 fees shall be prorated by month. The ~~board~~ state fire marshal
3 shall determine an individual's license fee based on the number
4 of months that the individual's license will be in effect after
5 being issued and prior to expiration.

6 Sec. 20. Section 103.20, Code 2013, is amended to read as
7 follows:

8 **103.20 Licensee status — employment — death.**

9 1. Individuals performing electrical work in a capacity
10 for which licensure is required pursuant to this chapter shall
11 be employed by the authority or company obtaining a permit for
12 the performance of such work, and shall possess a valid license
13 issued by the ~~board~~ state fire marshal.

14 2. Upon the death of an electrical contractor, a class A
15 master electrician, or a class B master electrician, the ~~board~~
16 state fire marshal may permit a representative to carry on
17 the business of the decedent for a period not to exceed six
18 months for the purpose of completing work under contract to
19 comply with this chapter. Such representative shall furnish
20 all public liability and property damage insurance required by
21 the ~~board~~ state fire marshal.

22 Sec. 21. Section 103.21, Code 2013, is amended to read as
23 follows:

24 **103.21 Licenses without examination — reciprocity with other**
25 **states.**

26 To the extent that any other state which provides for
27 the licensing of electricians provides for similar action,
28 the ~~board~~ state fire marshal may grant licenses, without
29 examination, of the same grade and class to an electrician who
30 has been licensed by such other state for at least one year,
31 upon payment by the applicant of the required fee, and upon the
32 ~~board~~ state fire marshal being furnished with proof that the
33 qualifications of the applicant are equal to the qualifications
34 of holders of similar licenses in this state.

35 Sec. 22. Section 103.22, subsections 11, 13, and 14, Code

LSB 1367YH (12) 85

-19-

rn/rj

19/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 2013, are amended to read as follows:

2 11. Apply to a person performing alarm system installations
3 pursuant to section 103.14 or to a person who is engaged in
4 the design, installation, erection, repair, maintenance,
5 or alteration of class two or class three remote control,
6 signaling, or power-limited circuits, optical fiber cables or
7 other cabling, or communications circuits, including raceways,
8 ~~as defined in the national electrical code~~ for voice, video,
9 audio, and data signals in commercial or residential premises.

10 13. Apply to a person otherwise licensed pursuant to
11 this chapter who is engaged in the wiring or installation of
12 electrical wiring, apparatus, or equipment while presenting a
13 course of instruction relating to home construction technology,
14 or a similar course of instruction, offered to students
15 by a community college established under chapter 260C, an
16 institution under the control of the state board of regents, or
17 a school corporation. A student enrolled in such a course of
18 instruction shall not be considered an apprentice electrician
19 or unclassified person, and supervision ratios as provided in
20 section 103.15, subsection 3, shall not be applicable. The
21 ~~board~~ state fire marshal shall by rule establish inspection
22 procedures in the event that the home constructed pursuant to
23 the course is intended for eventual occupation as a residence.
24 14. Prohibit a person from performing work on an emergency
25 basis as determined by the ~~board~~ state fire marshal.

26 Sec. 23. Section 103.24, Code 2013, is amended to read as
27 follows:

28 103.24 State inspection — inapplicability in certain
29 political subdivisions — electrical inspectors — certificate
30 of qualification.

31 1. The ~~board~~ state fire marshal shall establish by rule
32 standards for the certification and decertification of
33 electrical inspectors appointed by the state or a political
34 subdivision to enforce this chapter or any applicable
35 resolution or ordinance within the inspector's jurisdiction,

LSB 1367YH (12) 85

-20-

rn/rj

20/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 and for certified electrical inspector continuing education
2 requirements.

3 a. On and after January 1, 2009, a person appointed to
4 act as an electrical inspector for the state shall obtain an
5 inspector's certificate of qualification within one year of
6 such appointment and shall maintain the certificate thereafter
7 for the duration of the inspector's service as an electrical
8 inspector.

9 b. On and after January 1, 2014, a person appointed to act
10 as an electrical inspector for a political subdivision shall
11 obtain an inspector's certificate of qualification within one
12 year of such appointment and shall maintain the certificate
13 thereafter for the duration of the inspector's service as an
14 electrical inspector.

15 2. State inspection shall not apply within the jurisdiction
16 of any political subdivision which, pursuant to section 103.29,
17 provides by resolution or ordinance standards of electrical
18 wiring and its installation that are not less stringent than
19 those prescribed by the ~~board~~ state fire marshal or by this
20 chapter and which further provides by resolution or ordinance
21 for the inspection of electrical installations within the
22 limits of such subdivision by a certified electrical inspector.
23 A copy of the certificate of each electrical inspector shall
24 be provided to the ~~board~~ state fire marshal by the political
25 subdivision issuing the certificate.

26 3. State inspection shall not apply to routine maintenance.

27 Sec. 24. Section 103.25, Code 2013, is amended to read as
28 follows:

29 **103.25 Request for inspection — fees.**

30 1. At or before commencement of any installation required
31 to be inspected by the ~~board~~ state fire marshal, the licensee
32 or property owner making such installation shall submit to the
33 state fire marshal's office a request for inspection. The
34 ~~board~~ state fire marshal shall prescribe the methods by which
35 the request may be submitted, which may include electronic

LSB 1367YH (12) 85

-21-

rn/rj

21/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 submission or through a form prescribed by the ~~board~~ state fire
2 marshal that can be submitted either through the mail or by a
3 ~~fax~~ facsimile transmission. The ~~board~~ state fire marshal shall
4 also prescribe methods by which inspection fees can be paid,
5 which may include electronic methods of payment. If the ~~board~~
6 ~~or the~~ state fire marshal's office marshal becomes aware that a
7 person has failed to file a necessary request for inspection,
8 the ~~board~~ state fire marshal shall send a written notification
9 by certified mail that the request must be filed within
10 fourteen days. Any person filing a late request for inspection
11 shall pay a delinquency fee in an amount to be determined by
12 the ~~board~~ state fire marshal. A person who fails to file a late
13 request within fourteen days from receipt of the notification
14 shall be subject to a civil penalty to be determined by the
15 ~~board~~ state fire marshal by rule.

16 2. Notwithstanding subsection 1, the ~~board~~ state fire
17 marshal may by rule provide for the issuance of a single permit
18 to a licensee to request multiple inspections. The permit
19 authorizes the licensee to perform new electrical installations
20 specified in the permit. The ~~board~~ state fire marshal shall
21 prescribe the methods by which the request for multiple
22 inspections may be submitted, which may include electronic
23 submission or through a form prescribed by the ~~board~~ state fire
24 marshal that can be submitted either through the mail or by
25 a ~~fax~~ facsimile transmission. The ~~board~~ state fire marshal
26 shall also prescribe methods by which inspection fees can be
27 paid, which may include electronic methods of payment. The
28 ~~board~~ state fire marshal may perform inspections of each new
29 electrical installation or any portion of the total number
30 of new electrical installations made under each permit. The
31 ~~board~~ state fire marshal shall establish fees for such permits,
32 which shall not exceed the total inspection fees that would be
33 required if each new electrical installation performed under
34 the request for multiple inspections had been performed under
35 individual requests for inspections as provided in subsection

LSB 1367YH (12) 85

-22-

rn/rj

22/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 1.

2 Sec. 25. Section 103.26, Code 2013, is amended to read as
3 follows:

4 **103.26 Condemnation — disconnection — opportunity to**
5 **correct noncompliance.**

6 If the inspector finds that any installation or portion of
7 an installation is not in compliance with accepted standards
8 of construction for health safety and property safety, based
9 upon minimum standards set forth in the ~~local~~ electrical code
10 ~~or the national electrical code~~ adopted by the ~~board~~ state
11 fire marshal pursuant to section 103.6, the inspector shall
12 by written order condemn the installation or noncomplying
13 portion or order service to such installation disconnected
14 and shall send a copy of such order to the ~~board~~, the state
15 fire marshal, and the electrical utility supplying power
16 involved. If the installation or the noncomplying portion is
17 such as to seriously and proximately endanger human health
18 or property, the order of the inspector when approved by the
19 inspector's supervisor shall require immediate condemnation
20 and disconnection by the applicant. In all other cases, the
21 order of the inspector shall establish a reasonable period
22 of time for the installation to be brought into compliance
23 with accepted standards of construction for health safety and
24 property safety prior to the effective date established in such
25 order for condemnation or disconnection.

26 Sec. 26. Section 103.27, subsection 1, Code 2013, is amended
27 to read as follows:

28 1. A copy of each condemnation or disconnection order shall
29 be served personally or by regular mail upon the property owner
30 at the property owner's last known address, the licensee making
31 the installation, and such other persons as the ~~board~~ state
32 fire marshal by rule may direct.

33 Sec. 27. Section 103.28, subsection 2, Code 2013, is amended
34 to read as follows:

35 2. If the electrical inspector determines that an

LSB 1367YH (12) 85

-23-

rn/rj

23/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 electrical installation subject to inspection by the ~~board~~
2 state fire marshal is not in compliance with accepted standards
3 of construction for health safety and property safety,
4 based upon minimum standards adopted by the ~~board~~ state fire
5 marshal pursuant to this chapter, the inspector shall issue a
6 correction order. A correction order made pursuant to this
7 section shall be served personally or by United States mail
8 only upon the licensee making the installation. The correction
9 order shall order the licensee to make the installation
10 comply with the standards, noting specifically what changes
11 are required. The order shall specify a date, not more than
12 seventeen calendar days from the date of the order, when a new
13 inspection shall be made. When the installation is brought
14 into compliance to the satisfaction of the inspector, the
15 inspector shall file with the electrical utility supplying
16 power a certificate stating that the electrical inspector has
17 approved energization.

18 Sec. 28. Section 103.29, Code 2013, is amended to read as
19 follows:

20 **103.29 Political subdivisions — inspections — authority of**
21 **political subdivisions.**

22 1. A political subdivision performing electrical
23 inspections prior to December 31, 2007, shall continue
24 to perform such inspections. After December 31, 2013, a
25 political subdivision may choose to discontinue performing
26 its own inspections and permit the ~~board~~ state fire marshal
27 to have jurisdiction over inspections in the political
28 subdivision. If a political subdivision seeks to discontinue
29 its own inspections prior to December 31, 2013, the political
30 subdivision shall petition the ~~board~~ state fire marshal. On or
31 after January 1, 2014, if ~~a unanimous vote of the board~~ state
32 fire marshal finds that a political subdivision's inspections
33 are inadequate by reason of misfeasance, malfeasance, or
34 nonfeasance, the ~~board~~ state fire marshal may suspend or revoke
35 the political subdivision's authority to perform its own

LSB 1367YH (12) 85

-24-

rn/rj

24/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 inspections, subject to appeal according to the procedure set
2 forth in section 103.34 and judicial review pursuant to section
3 17A.19. A political subdivision not performing electrical
4 inspections prior to December 31, 2007, may make provision for
5 inspection of electrical installations within its jurisdiction,
6 in which case it shall keep on file with the ~~board~~ state
7 fire marshal copies of its current inspection ordinances or
8 resolutions and electrical codes.

9 2. A political subdivision performing electrical
10 inspections pursuant to subsection 1 prior to December 31,
11 2007, may maintain a different supervision ratio than the ratio
12 of three apprentice electricians and unclassified persons to
13 one licensee specified in section 103.15, subsection 3, but may
14 not exceed that ratio. A political subdivision which begins
15 performing electrical inspections after December 31, 2007,
16 shall maintain the specified three-to-one ratio unless the
17 ~~board~~ state fire marshal approves a petition by the political
18 subdivision for a lower ratio. A political subdivision which
19 discontinues performing electrical inspections and permits the
20 ~~board~~ state fire marshal to have jurisdiction over inspections
21 shall maintain the specified three-to-one supervision ratio,
22 and may not petition for a lower ratio unless the political
23 subdivision subsequently resumes performing electrical
24 inspections.

25 3. A political subdivision that performs electrical
26 inspections may set appropriate permit fees to pay for such
27 inspections. A political subdivision shall not require any
28 person holding a license from the ~~board~~ state fire marshal
29 to pay any license fee or take any examination if the person
30 holds a current license issued by the ~~board~~ state fire marshal
31 which is of a classification equal to or greater than the
32 classification needed to do the work proposed. Any such
33 political subdivision may provide a requirement that each
34 person doing electrical work within the jurisdiction of
35 such political subdivision have on file with the political

LSB 1367YH (12) 85

-25-

rn/rj

25/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 subdivision a copy of the current license issued by the ~~board~~
2 state fire marshal or such other evidence of such license as
3 may be provided by the ~~board~~ state fire marshal.

4 4. A political subdivision is authorized to determine
5 what work may be performed by a class B licensee within the
6 jurisdictional limits of the political subdivision, provided,
7 however, that a political subdivision shall not prohibit
8 a class B licensee from performing any type of work that
9 the licensee was authorized to perform within the political
10 subdivision under the authority of a license validly issued or
11 recognized by the political subdivision on December 31, 2007.

12 5. A political subdivision that performs electrical
13 inspections shall act as the authority having jurisdiction
14 for electrical inspections and for amending the ~~national~~
15 electrical code adopted by the ~~board~~ state fire marshal
16 pursuant to section 103.6 for work performed within the
17 jurisdictional limits of the political subdivision, provided
18 those inspections and amendments conform to the requirements
19 of this chapter. Any action by a political subdivision with
20 respect to amendments to the ~~national~~ electrical code shall be
21 filed with the ~~board~~ state fire marshal prior to enforcement
22 by the political subdivision, and shall not be less stringent
23 than the minimum standards established by the ~~board~~ state fire
24 marshal by rule.

25 6. A political subdivision may grant a variance or interpret
26 the ~~national~~ electrical code in a manner which deviates from a
27 standard interpretation on an exception basis for a one-time
28 installation or planned installation so long as such a variance
29 or interpretation does not present an electrical hazard or
30 danger to life or property.

31 7. A county shall not perform electrical inspections on a
32 farm or farm residence.

33 Sec. 29. Section 103.30, subsection 2, Code 2013, is amended
34 to read as follows:

35 2. The ~~board~~ state fire marshal may by rule exempt specified

LSB 1367YH (12) 85

-26-

rn/rj

26/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 types of new electrical installations from the state electrical
2 inspection requirements under section 103.23, provided that
3 a political subdivision conducting inspections pursuant
4 to section 103.24 shall not be prohibited from requiring
5 inspection of any new electrical installation exempt by rule
6 from state inspection pursuant to this subsection.

7 Sec. 30. Section 103.31, Code 2013, is amended to read as
8 follows:

9 **103.31 State inspection procedures.**

10 1. An inspection shall be made within three business
11 days of the submission of a request for an inspection as
12 provided in section 103.25. When necessary, circuits may be
13 energized by the authorized installer prior to inspection but
14 the installation shall remain subject to condemnation and
15 disconnection and subject to any appropriate restrictions or
16 limitations as determined by the ~~board~~ state fire marshal.

17 2. Where wiring is to be concealed, the inspector must
18 be notified within a reasonable time to complete rough-in
19 inspections prior to concealment, exclusive of Saturdays,
20 Sundays, and holidays. If wiring is concealed before rough-in
21 inspections without adequate notice having been given to the
22 inspector, the person responsible for having enclosed the
23 wiring shall be responsible for all costs resulting from
24 uncovering and replacing the cover material.

25 3. State inspection procedures and policies shall be
26 established and enforced by the ~~board~~ state fire marshal. The
27 state fire marshal, ~~or the state fire marshal's designee~~, shall
28 also enforce the ~~procedures and policies~~, and enforce the
29 provisions of the ~~national~~ electrical code adopted by the ~~board~~
30 state fire marshal.

31 4. Except when an inspection reveals that an installation or
32 portion of an installation is not in compliance with accepted
33 standards of construction for health safety and property
34 safety, based upon minimum standards set forth in the local
35 electrical code or the ~~national~~ electrical code adopted by the

LSB 1367YH (12) 85

-27-

rn/rj

27/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 ~~board~~ state fire marshal pursuant to section 103.6, such that
2 an order of condemnation or disconnection is warranted pursuant
3 to section 103.26, an inspector shall not add to, modify, or
4 amend a construction plan as originally approved by the state
5 fire marshal or the state building code commissioner in the
6 course of conducting an inspection.

7 5. Management and supervision of inspectors, including
8 hiring decisions, disciplinary action, promotions, and work
9 schedules are the responsibility of the state fire marshal
10 acting in accordance with applicable law and pursuant to any
11 applicable collective bargaining agreement. The state fire
12 marshal ~~and the board~~ shall jointly determine work territories,
13 regions, or districts for inspectors and continuing education
14 and ongoing training requirements applicable to inspectors.
15 An inspector subject to disciplinary action pursuant to this
16 subsection shall be entitled to an appeal according to the
17 procedure set forth in section 103.34 and judicial review
18 pursuant to section 17A.19.

19 6. The ~~board~~ state fire marshal shall establish ~~a web-based~~
20 an internet-based licensure verification database for access
21 by a state or local inspector for verification of licensee
22 status. The database shall include the name of every person
23 licensed under this chapter and a corresponding licensure
24 number. Inspectors shall be authorized to request the name
25 and license number of any person working at a job site subject
26 to inspection for verification of licensee status. Licensees
27 under this chapter shall be required to carry a copy of their
28 current license and photo identification at all times when
29 employed on a job site for compliance with this subsection.

30 Sec. 31. Section 103.32, subsections 1 and 2, Code 2013, are
31 amended to read as follows:

32 1. All state electrical inspection fees shall be due
33 and payable to the ~~board~~ state fire marshal at or before
34 commencement of the installation and shall be forwarded with
35 the request for inspection. Inspection fees provided in

LSB 1367YH (12) 85

-28-

rn/rj

28/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 this section shall not apply within the jurisdiction of any
2 political subdivision if the political subdivision has adopted
3 an ordinance or resolution pursuant to this chapter.

4 2. The ~~board~~ state fire marshal shall establish the fees for
5 inspections in amounts not to exceed:

6 a. For each separate inspection of an installation,
7 replacement, alteration, or repair, twenty-five dollars.

8 b. For services, change of services, temporary services,
9 additions, alterations, or repairs on either primary or
10 secondary services as follows:

11 (1) Zero to one hundred ampere capacity, twenty-five
12 dollars plus five dollars per branch circuit or feeder.

13 (2) One hundred one to two hundred ampere capacity,
14 thirty-five dollars plus five dollars per branch circuit or
15 feeder.

16 (3) For each additional one hundred ampere capacity or
17 fraction thereof, twenty dollars plus five dollars per branch
18 circuit or feeder.

19 c. For field irrigation system inspections, sixty dollars
20 for each unit inspected.

21 d. For the first reinspection required as a result of a
22 correction order, fifty dollars; a second reinspection required
23 as a result of noncompliance with the same correction order,
24 seventy-five dollars; and subsequent reinspections associated
25 with the same correction order, one hundred dollars for each
26 reinspection.

27 Sec. 32. Section 103.33, Code 2013, is amended to read as
28 follows:

29 103.33 Condemnation or disconnection orders — appeals —
30 disposition of orders pending appeal.

31 1. Any person aggrieved by a condemnation or disconnection
32 order issued by the state fire marshal's office may appeal from
33 the order by filing a written notice of appeal with the ~~board~~
34 commissioner of public safety within ten days after the date
35 the order was served upon the property owner ~~or within ten days~~

LSB 1367YH (12) 85

-29-

rn/rj

29/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 ~~after the order was filed with the board, whichever is later.~~

2 2. Upon receipt of the notice of appeal from a condemnation
3 or disconnection order because the electrical installation is
4 proximately dangerous to health or property, the order appealed
5 from shall not be stayed unless countermanded by the ~~board~~
6 commissioner.

7 3. Upon receipt of notice of appeal from a condemnation
8 or disconnection order because the electrical installation
9 is not in compliance with accepted standards of construction
10 for health safety and property safety, except as provided
11 in subsection 2, the order appealed from shall be stayed
12 until final decision of the ~~board~~ commissioner and the
13 ~~board~~ commissioner or state fire marshal shall notify the
14 property owner and the electrical contractor, class A master
15 electrician, class B master electrician, fire alarm installer,
16 special electrician, or if established by the ~~board~~ state
17 fire marshal the residential master electrician, making the
18 installation. The power supplier shall also be notified in
19 those instances in which the order has been served on such
20 supplier.

21 Sec. 33. Section 103.34, Code 2013, is amended to read as
22 follows:

23 **103.34 Appeal procedures.**

24 ~~1. Upon receipt of a notice of appeal filed pursuant to~~
25 ~~section 103.33, the chairperson or executive secretary of the~~
26 ~~board may designate a hearing officer from among the board~~
27 ~~members to hear the appeal or may set the matter for hearing~~
28 ~~before the full board at its next regular meeting. A majority~~
29 ~~of the board shall make the decision.~~

30 ~~2.~~ Upon receiving the notice of appeal filed pursuant to
31 section 103.33, the ~~board~~ commissioner of public safety shall
32 notify all persons served with the order appealed from. Such
33 persons may join in the hearing and give testimony in their own
34 behalf. The ~~board~~ commissioner shall set the hearing date on a
35 date not more than fourteen days after receipt of the notice of

LSB 1367YH (12) 85

-30-

rn/rj

30/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 appeal unless otherwise agreed by the interested parties and
2 the ~~board~~ commissioner.

3 Sec. 34. Section 103.35, unnumbered paragraph 1, Code 2013,
4 is amended to read as follows:

5 The board, by a simple majority vote of the entire board,
6 may suspend for a period not exceeding two years, ~~or~~ refuse to
7 renew, revoke the certificate of licensure of, or reprimand any
8 licensee who is found guilty of any of the following ~~acts or~~
9 offenses:

10 Sec. 35. Section 103.35, Code 2013, is amended by adding the
11 following new subsections:

12 NEW SUBSECTION. 10. Failure or refusal to pay any
13 examination, license, or renewal fee required by law.

14 NEW SUBSECTION. 11. Failure or refusal, if the licensee is
15 an electrical contractor, to provide and keep in force a public
16 liability insurance policy and surety bond as required by the
17 state fire marshal.

18 NEW SUBSECTION. 12. Violation of any political
19 subdivision's inspection ordinances.

20 NEW SUBSECTION. 13. Violation of any provision of the
21 electrical code as adopted pursuant to this chapter or any rule
22 adopted pursuant to this chapter.

23 Sec. 36. Section 103.38, Code 2013, is amended to read as
24 follows:

25 **103.38 Criminal violations.**

26 A person who violates a permanent injunction issued pursuant
27 to section 103.37 or presents or attempts to file as the
28 person's own the certificate of licensure of another, or who
29 gives false or forged evidence of any kind to the ~~board~~ state
30 fire marshal in obtaining a certificate of licensure, or who
31 falsely impersonates another practitioner of like or different
32 name, or who uses or attempts to use a revoked certificate of
33 licensure, is guilty of a fraudulent practice under chapter
34 714.

35 Sec. 37. Section 103.39, subsection 1, paragraph c, Code

LSB 1367YH (12) 85

-31-

rn/rj

31/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 2013, is amended to read as follows:

2 c. Gives false or forged evidence of any kind to the board
3 ~~or any member of the board~~ state fire marshal in obtaining or
4 attempting to obtain a certificate of licensure.

5 Sec. 38. REPEAL. Section 103.5, Code 2013, is repealed.

6 Sec. 39. TRANSITION PROVISIONS. Any license or permit
7 issued by the board created in section 103.2, Code 2013, prior
8 to December 31, 2013, shall continue in full force and effect
9 until expiration and reissuance by the state fire marshal.

10 Sec. 40. EFFECTIVE DATE. This Act takes effect January 1,
11 2014.

12 EXPLANATION

13 This bill amends provisions throughout Code chapter 103
14 dealing with the licensure of electricians and electrical
15 contractors to modify the primary authority for administering
16 the Code chapter.

17 Currently, an electrical examining board established
18 within the division of state fire marshal of the department
19 of public safety administers the Code chapter and has primary
20 responsibility for all related functions, including the
21 adoption and application of the national electric code;
22 licensing issuance, suspension, and revocation; electrical
23 inspections; and licensee disciplinary actions. The bill
24 removes the state fire marshal or the fire marshal's designee
25 from membership on the board and increases the number of
26 electrical inspector board members from one to two members.

27 The bill transfers most of the previous board's
28 responsibilities to the state fire marshal. The bill deletes
29 references in the Code chapter to the national electrical
30 code, instead providing that the state fire marshal shall
31 establish by rule an electrical installation code governing the
32 installation of electrical work in Iowa. The bill provides
33 that expenditures from the electrician and installer licensing
34 and inspection fund established in Code section 103.7 shall
35 be approved by the sole authority of the state fire marshal

LSB 1367YH (12) 85

-32-

rn/rj

32/33



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 259

1 for any of the board's duties and for the regulatory and
2 administrative functions of Code chapter 103. The bill
3 provides that the board shall retain previous authority
4 regarding the suspension or revocation of licenses and the
5 reprimanding of licensees for violations of the Code chapter
6 and imposition of civil penalties for such violations. The
7 bill transfers authority regarding appeals from persons
8 aggrieved by a condemnation or disconnection order from the
9 board to the commissioner of public safety.

10 The bill specifies that all actions and deliberations of
11 the board shall be fully subject to the open meetings and
12 open records provisions of Code chapters 21 and 22. The
13 bill provides, notwithstanding Code section 21.5, subsection
14 4, relating to closed session meetings held by governmental
15 bodies, that the minutes and audio recording of a closed
16 session of a meeting of the board shall be accessible to the
17 office of the citizens' aide without an order of the court and
18 only for purposes of conducting a confidential investigation in
19 response to a complaint relating to the board.

20 The bill contains transition provisions regarding the
21 continuation of licenses and permits issued by the board.

22 The bill takes effect January 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 260 - Introduced

HOUSE FILE 260
BY PETTENGILL

A BILL FOR

1 An Act relating to the authority of the plumbing and mechanical
2 systems board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1333YH (9) 85
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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 Section 1. Section 105.2, subsections 14 and 17, Code 2013,
2 are amended to read as follows:

3 14. "*Medical gas system installer*" means any person who
4 installs or repairs medical gas piping, components, and
5 vacuum systems, including brazers, who has been issued a
6 valid certification from the national inspection testing
7 certification (NITC) corporation, or an equivalent authority
8 approved by the ~~board~~ department.

9 17. "*Routine maintenance*" means the maintenance, repair,
10 or replacement of existing fixtures or parts of plumbing,
11 HVAC, refrigeration, or hydronic systems in which no changes
12 in original design are made. Fixtures or parts do not
13 include smoke and fire dampers, or water, gas, or steam piping
14 permanent repairs except for traps or strainers. "*Routine*
15 *maintenance*" shall include emergency repairs, and the ~~board~~
16 department shall define the term "*emergency repairs*" to
17 include the repair of water pipes to prevent imminent damage
18 to property. "*Routine maintenance*" does not include the
19 replacement of furnaces, boilers, cooling appliances, or water
20 heaters more than one hundred gallons in size.

21 Sec. 2. Section 105.3, subsection 4, Code 2013, is amended
22 to read as follows:

23 4. If a person who has been appointed to serve on the
24 board has ever been disciplined by the ~~board~~ department,
25 all ~~board~~ department complaints and statements of charges,
26 settlement agreements, findings of fact, and orders pertaining
27 to the disciplinary action shall be made available to the
28 senate committee to which the appointment is referred at
29 the committee's request before the full senate votes on the
30 person's appointment.

31 Sec. 3. Section 105.3, Code 2013, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 8. Notwithstanding section 21.5,
34 subsection 4, the office of the citizen's aide without an order
35 of the court and only for purposes of conducting a confidential

LSB 1333YH (9) 85

-1-

jr/sc

1/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 investigation in response to a complaint relating to the board
2 pursuant to section 2C.12, shall have access to the minutes and
3 audio recording of a closed session of a meeting of the board.

4 Sec. 4. Section 105.4, Code 2013, is amended to read as
5 follows:

6 **105.4 Plumbing installation code — rules.**

7 1. The department, in consultation with the board, shall
8 establish by rule a plumbing installation code governing the
9 installation of plumbing in this state.

10 2. The department, in consultation with the board, shall
11 adopt all rules necessary to carry out the licensing and other
12 provisions of this chapter.

13 Sec. 5. Section 105.5, subsection 1, Code 2013, is amended
14 to read as follows:

15 1. Any person desiring to take an examination for a license
16 issued pursuant to this chapter shall make application to the
17 ~~board~~ department in accordance with the rules of the ~~board~~
18 department. The application form shall be no longer than two
19 pages in length, plus one security page. The ~~board~~ department
20 may require that a recent photograph of the applicant be
21 attached to the application.

22 Sec. 6. Section 105.5, subsection 3, unnumbered paragraph
23 1, Code 2013, is amended to read as follows:

24 The department, in consultation with the board, shall adopt
25 rules relating to all of the following:

26 Sec. 7. Section 105.9, subsections 1, 2, 3, 5, 9, and 10,
27 Code 2013, are amended to read as follows:

28 1. The ~~board~~ department shall set the fees for the
29 examination of all applicants, by rule, which fees shall be
30 based upon the cost of administering the examinations.

31 2. The ~~board~~ department shall set the license fees and
32 renewal fees for all licenses issued pursuant to this chapter,
33 by rule.

34 3. All fees collected under this chapter shall be retained
35 by the ~~board~~ department. The moneys retained by the ~~board~~

LSB 1333YH (9) 85

-2-

jr/sc

2/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 department shall be used for any of the board's duties and
2 the regulatory or administrative functions of the department
3 under this chapter, including but not limited to the addition
4 of full-time equivalent positions for program services and
5 investigations. Revenues retained by the ~~board~~ department
6 pursuant to this section shall be considered repayment receipts
7 as defined in section 8.2. Notwithstanding section 8.33,
8 moneys retained by the ~~board~~ department pursuant to this
9 section are not subject to reversion to the general fund of the
10 state.

11 5. a. The ~~board~~ department shall submit a report to
12 the general assembly within sixty days following the end
13 of each fiscal year. The reports shall include a balance
14 sheet projection extending no less than three years. If the
15 revenue projection exceeds expense projections by more than ten
16 percent, the ~~board~~ department shall adjust ~~their~~ fee schedules
17 accordingly, so that projected revenues are no more than ten
18 percent higher than projected expenses. The revised fees shall
19 be implemented no later than January 1, 2013, and January 1 of
20 each subsequent year.

21 b. A license fee for a combined license shall be the sum
22 total of each of the separate license fees reduced by thirty
23 percent.

24 9. The ~~board~~ department may charge a fee for an application
25 required by this chapter and submitted on paper if an internet
26 application process is available.

27 10. The ~~board~~ department shall waive all renewal fees for
28 all licenses that have an expiration date from January 1, 2011,
29 through December 31, 2012.

30 Sec. 8. Section 105.10, subsections 1, 3, 4, and 5, Code
31 2013, are amended to read as follows:

32 1. Except as provided in section 105.11, a person shall not
33 operate as a contractor or install or repair plumbing, HVAC,
34 refrigeration, or hydronic systems without obtaining a license
35 issued by the ~~board~~ department, or install or repair medical

LSB 1333YH (9) 85

-3-

jr/sc

3/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 gas piping systems without obtaining a valid certification
2 approved by the ~~board~~ department.

3 3. The ~~board~~ department may allow a two-year delay in
4 implementing the licensure requirements for contractors who
5 employ fewer than ten mechanical professionals.

6 4. The department, in consultation with the board, shall
7 adopt rules to allow a grace period for a contractor to operate
8 a business described in subsection 2 without employing a
9 licensed master.

10 5. The department, in consultation with the board, shall by
11 rule provide for the issuance of a license for installers of
12 geothermal heat pump systems that shall require certification
13 pursuant to industry accredited installer certification
14 standards recognized by the United States department of energy.

15 Sec. 9. Section 105.12, subsection 2, Code 2013, is amended
16 to read as follows:

17 2. In addition to the certificate, the ~~board~~ department
18 shall provide each licensee with a wallet-sized licensing
19 identification card.

20 Sec. 10. Section 105.16, Code 2013, is amended to read as
21 follows:

22 **105.16 Change of residence.**

23 If a person licensed to practice as a contractor or a
24 plumbing, HVAC, refrigeration, or hydronic professional
25 under this chapter changes the person's residence or place of
26 practice, the person shall so notify the ~~board~~ department.

27 Sec. 11. Section 105.18, Code 2013, is amended to read as
28 follows:

29 **105.18 Qualifications and types of licenses issued.**

30 1. *General qualifications.* The department, in consultation
31 with the board, shall adopt, by rule, general qualifications
32 for licensure. The ~~board~~ department may consider the past
33 felony record of an applicant only if the felony conviction
34 relates to the practice of the profession for which the
35 applicant requests to be licensed. References may be required

LSB 1333YH (9) 85

-4-

jr/sc

4/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 as part of the licensing process.

2 2. *Plumbing, HVAC, refrigeration, and hydronic licenses and*
3 *contractor licenses.* The ~~board~~ department shall issue separate
4 licenses for plumbing, HVAC, refrigeration, and hydronic
5 professionals and for contractors as follows:

6 a. *Apprentice license.* In order to be licensed by the board
7 as an apprentice, a person shall do all of the following:

8 (1) File an application, which application shall establish
9 that the person meets the minimum requirements adopted by the
10 ~~board~~ department.

11 (2) Certify that the person will work under the supervision
12 of a licensed journeyman or master in the applicable
13 discipline.

14 (3) Be enrolled in an applicable apprentice program which is
15 registered with the United States department of labor office
16 of apprenticeship.

17 b. *Journeyman license.*

18 (1) In order to be licensed by the ~~board~~ department as a
19 journeyman in the applicable discipline, a person shall do
20 all of the following:

21 (a) File an application and pay application fees as
22 established by the ~~board~~ department, which application shall
23 establish that the person meets the minimum educational and
24 experience requirements adopted by the ~~board~~ department.

25 (b) Pass the state journeyman licensing examination in
26 the applicable discipline.

27 (c) Provide the ~~board~~ department with evidence of having
28 completed at least four years of practical experience as an
29 apprentice. Commencing January 1, 2010, the four years of
30 practical experience required by this subparagraph division
31 must be an apprenticeship training program registered by the
32 United States department of labor office of apprenticeship.

33 (2) A person may simultaneously hold an active
34 journeyman license and an inactive master license.

35 c. *Master license.* In order to be licensed by the ~~board~~

LSB 1333YH (9) 85

-5-

jr/sc

5/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 department as a master, a person shall do all of the following:

2 (1) File an application and pay application fees as
3 established by the ~~board~~ department, which application shall
4 establish that the person meets the minimum educational and
5 experience requirements adopted by the ~~board~~ department.

6 (2) Pass the state master licensing examination for the
7 applicable discipline.

8 (3) Provide evidence to the ~~board~~ department that the person
9 has previously been a licensed journeyman or master in the
10 applicable discipline.

11 *d. Contractor license.* In order to be licensed by the
12 ~~board~~ department as a contractor, a person shall do all of the
13 following:

14 (1) File an application and pay application fees as
15 established by the ~~board~~ department, which application shall
16 provide the person's state contractor registration number
17 and establish that the person meets the minimum requirements
18 adopted by the ~~board~~ department.

19 (2) Maintain a permanent place of business.

20 (3) Hold a master license or employ at least one person
21 holding a master license under this chapter.

22 3. *Combined licenses, restricted licenses.*

23 *a.* The ~~board~~ department may issue single or combined
24 licenses to persons who qualify as a contractor, master,
25 journeyman, or apprentice under any of the disciplines.

26 *b. Special, restricted license.* The ~~board~~ department
27 ~~may by rule provide,~~ in consultation with the board, adopt
28 rules providing for the issuance of special plumbing and
29 mechanical professional licenses authorizing the licensee to
30 engage in a limited class or classes of plumbing or mechanical
31 professional work, which class or classes shall be specified on
32 the license. Each licensee shall have experience, acceptable
33 to the ~~board~~ department, in each such limited class for which
34 the person is licensed. The ~~board~~ department shall designate
35 each special, restricted license to be a sublicense of either

LSB 1333YH (9) 85

-6-

jr/sc

6/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 a plumbing, HVAC, refrigeration, or hydronic license. An
2 individual holding a master or journeyman, plumbing, HVAC,
3 refrigeration, or hydronic license shall not be required to
4 obtain any special, restricted license which is a sublicense of
5 the license that the individual holds. Special plumbing and
6 mechanical professional licenses shall be issued to employees
7 of a rate-regulated gas or electric public utility who conduct
8 the repair of appliances. "Repair of appliances" means the
9 repair or replacement of mechanical connections between
10 the appliance shutoff valve and the appliance and repair of
11 or replacement of parts to the appliance. Such special,
12 restricted license shall require certification pursuant to
13 industry-accredited certification standards.

14 c. The ~~board~~ department shall establish a special,
15 restricted license fee at a reduced rate, consistent with any
16 other special, restricted license fees.

17 d. An individual that holds either a master or journeyman
18 HVAC license or a master or journeyman refrigeration license
19 shall be exempt from having to obtain a special electrician's
20 license pursuant to chapter 103 in order to perform disconnect
21 and reconnect of existing air conditioning and refrigeration
22 systems.

23 4. *Waiver.* Notwithstanding section 17A.9A, the ~~board~~
24 department shall through December 31, 2009, waive the written
25 examination requirements and prior experience requirements in
26 subsection 2, paragraph "b", subparagraph (1), and subsection
27 2, paragraph "c", for a journeyman or master license if the
28 applicant meets either of the following requirements:

29 a. The applicant meets both of the following requirements:

30 (1) The applicant has previously passed a written
31 examination which the ~~board~~ department deems to be
32 substantially similar to the licensing examination otherwise
33 required by the ~~board~~ department to obtain the applicable
34 license.

35 (2) The applicant has completed at least eight classroom

LSB 1333YH (9) 85

-7-

jr/sc

7/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 hours of continuing education in courses or seminars approved
2 by the ~~board~~ department within the two-year period immediately
3 preceding the date of the applicant's license application.

4 *b.* The applicant can demonstrate to the satisfaction of
5 the ~~board~~ department that the applicant has five or more years
6 of experience prior to July 1, 2008, in the plumbing, HVAC,
7 refrigeration, or hydronic business, as applicable, which
8 experience is of a nature that the ~~board~~ department deems to be
9 sufficient to demonstrate continuous professional competency
10 consistent with that expected of an individual who passes the
11 applicable licensing examination which the applicant would
12 otherwise be required to pass.

13 5. *Waiver for military service.* Notwithstanding section
14 17A.9A, the ~~board~~ department shall waive the written
15 examination requirements and prior experience requirements in
16 subsection 2, paragraph "b", subparagraph (1), and subsection
17 2, paragraph "c", for a journeyperson or master license if the
18 applicant meets all of the following requirements:

19 *a.* Is an active or retired member of the United States
20 military.

21 *b.* Provides documentation that the applicant was deployed
22 on active duty during any portion of the time period of July 1,
23 2008, through December 31, 2009.

24 *c.* Provides documentation that shows the applicant has
25 previously passed an examination which the ~~board~~ department
26 deems substantially similar to the examination for a
27 journeyperson license or a master license, as applicable,
28 issued by the ~~board~~ department, or provides documentation that
29 shows the applicant has previously been licensed by a state or
30 local governmental jurisdiction in the same trade and trade
31 level.

32 Sec. 12. Section 105.19, subsections 1 and 3, Code 2013, are
33 amended to read as follows:

34 1. An applicant for a contractor license or renewal of
35 an active contractor license shall provide evidence of a

LSB 1333YH (9) 85

-8-

jr/sc

8/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 public liability insurance policy and surety bond in an amount
2 determined sufficient by the ~~board~~ department by rule.

3 3. The insurance and surety bond shall be written by an
4 entity licensed to do business in this state and each licensed
5 contractor shall maintain on file with the ~~board~~ department
6 a certificate evidencing the insurance providing that the
7 insurance or surety bond shall not be canceled without the
8 entity first giving fifteen days' written notice to the board.

9 Sec. 13. Section 105.20, subsections 2, 3, and 5, Code 2013,
10 are amended to read as follows:

11 2. A license issued under this chapter may be renewed
12 as provided by rule adopted by the ~~board~~ department upon
13 application by the licensee, without examination. Applications
14 for renewal shall be made to the ~~board~~ department, accompanied
15 by the required renewal licensing fee, at least thirty days
16 prior to the expiration date of the license.

17 3. The ~~board~~ department shall notify each licensee by mail
18 at least sixty days prior to the expiration of a license.

19 5. The ~~board~~ department shall, by rule, establish a
20 reinstatement process for a licensee who allows a license to
21 lapse, including reasonable penalties.

22 Sec. 14. Section 105.20, subsection 6, paragraph a, Code
23 2013, is amended to read as follows:

24 a. The ~~board~~ department shall establish continuing education
25 requirements pursuant to section 272C.2. The basic continuing
26 education requirement for renewal of a license shall be the
27 completion, during the immediately preceding license term,
28 of the number of classroom hours of instruction required by
29 the ~~board~~ department in courses or seminars which have been
30 approved by the ~~board~~ department. The ~~board~~ department shall
31 require at least eight classroom hours of instruction during
32 each three-year licensing term.

33 Sec. 15. Section 105.21, Code 2013, is amended to read as
34 follows:

35 105.21 Reciprocal licenses.

LSB 1333YH (9) 85

-9-

jr/sc

9/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 The ~~board~~ department may license without examination a
2 nonresident applicant who is licensed under plumbing, HVAC,
3 refrigeration, or hydronic professional licensing statutes of
4 another state having similar licensing requirements as those
5 set forth in this chapter and the rules adopted under this
6 chapter if the other state grants the same reciprocal licensing
7 privileges to residents of Iowa who have obtained Iowa plumbing
8 or mechanical professional licenses under this chapter. The
9 department, in consultation with the board, shall adopt the
10 necessary rules, not inconsistent with the law, for carrying
11 out the reciprocal relations with other states which are
12 authorized by this chapter.

13 Sec. 16. Section 105.22, unnumbered paragraph 1, Code 2013,
14 is amended to read as follows:

15 A license to practice as a contractor or as a plumbing,
16 HVAC, refrigeration, or hydronic professional may be revoked
17 or suspended, or an application for licensure may be denied
18 pursuant to procedures established pursuant to chapter 272C by
19 the ~~board~~ department in consultation with the board, or the
20 licensee may be otherwise disciplined in accordance with that
21 chapter, when the licensee commits any of the following acts
22 or offenses:

23 Sec. 17. Section 105.22, subsection 10, Code 2013, is
24 amended to read as follows:

25 10. Any other such grounds as established by rule by the
26 department, in consultation with the board.

27 Sec. 18. Section 105.28, Code 2013, is amended to read as
28 follows:

29 **105.28 Enforcement.**

30 The ~~board~~ department shall enforce the provisions of this
31 chapter. Every licensee and member of the board shall furnish
32 the ~~board~~ department such evidence as the licensee or member
33 may have relative to any alleged violation which is being
34 investigated.

35 Sec. 19. Section 105.29, Code 2013, is amended to read as

LSB 1333YH (9) 85

-10-

jr/sc

10/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 follows:

2 **105.29 Report of violators.**

3 Every licensee and every member of the board shall report to
4 the ~~board~~ department the name of every person who is practicing
5 as a contractor or as a plumber or mechanical professional
6 without a license issued pursuant to this chapter pursuant
7 to the knowledge or reasonable belief of the person making
8 the report. The opening of an office or place of business
9 for the purpose of providing any services for which a license
10 is required by this chapter, the announcing to the public in
11 any way the intention to provide any such service, the use of
12 any professional designation, or the use of any sign, card,
13 circular, device, vehicle, or advertisement, as a provider of
14 any such services shall be prima facie evidence of engaging
15 in the practice of a contractor or a plumber or mechanical
16 professional.

17 Sec. 20. Section 272C.1, subsection 6, unnumbered paragraph
18 1, Code 2013, is amended to read as follows:

19 *"Licensing board"* or *"board"* includes the following boards
20 or agencies:

21 Sec. 21. Section 272C.1, subsection 6, paragraph ae, Code
22 2013, is amended to read as follows:

23 *ae.* The plumbing and mechanical systems board, created
24 pursuant to chapter 105 and the department of public health
25 acting pursuant to chapter 105.

26 EXPLANATION

27 This bill vests the department of public health with
28 regulatory and administrative authority to implement Code
29 chapter 105, relating to plumbers, mechanical professionals,
30 and contractors. Rulemaking authority is vested with the
31 department of public health, in consultation with the plumbing
32 and mechanical systems board. The board retains the authority
33 to conduct contested cases and impose licensee discipline,
34 including revocation and suspension of licenses, but the bill
35 provides that the department, in consultation with the board,

LSB 1333YH (9) 85

-11-

jr/sc

11/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 260

1 shall establish procedures and adopt rules relating to license
2 revocation or suspension.

3 The bill provides, notwithstanding Code section 21.5,
4 subsection 4, relating to closed session meetings held by
5 governmental bodies, that the minutes and audio recording of a
6 closed session of a meeting of the board shall be accessible
7 to the office of the citizens' aide without an order of the
8 court and only for purposes of conducting a confidential
9 investigation in response to a complaint relating to the board.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 261 - Introduced

HOUSE FILE 261
BY PETTENGILL

A BILL FOR

1 An Act relating to open burning.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1340YH (3) 85
tm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 261

1 Section 1. Section 100.40, subsections 1 and 3, Code 2013,
2 are amended to read as follows:

3 1. The state fire marshal, during periods of extremely
4 dry conditions ~~or under other conditions when the state fire~~
5 ~~marshal finds open burning constitutes a danger to life or~~
6 ~~property, may~~ shall prohibit open burning in an area of the
7 state at the request of the chief of a local fire department,
8 a city council ~~or~~, a board of supervisors ~~and when an~~
9 ~~investigation supports the need for the prohibition, or an~~
10 emergency management coordinator. The state fire marshal may
11 consult with other state or federal agencies to confirm the
12 conditions in the requested ban area. The state fire marshal
13 shall implement the prohibition by issuing a proclamation to
14 persons in the affected area. During periods of extremely dry
15 conditions, the state fire marshal may initiate an open-burning
16 prohibition in an area of the state without a request if the
17 state fire marshal determines open burning constitutes a danger
18 to life or property. The chief of a local fire department, the
19 city council ~~or~~, the board of supervisors ~~that~~, or an emergency
20 management coordinator who requested the prohibition may
21 rescind the proclamation after notifying the state fire marshal
22 of the intent to do so, when the chief, city council ~~or~~, board
23 of supervisors, or emergency management coordinator finds that
24 the conditions responsible for the issuance of the proclamation
25 no longer exist.

26 3. A proclamation issued by the state fire marshal pursuant
27 to this section shall not prohibit a any of the following:

28 a. A supervised, controlled burn for which a permit has been
29 issued by the fire chief of the fire district where the burn
30 will take place.

31 b. The use of manufactured portable outdoor fireplaces,
32 barbecue grills, properly fixed outdoor fireplaces, or patio
33 warmers when used in accordance with the manufacturer's
34 instructions and only when approved fuels are used such as
35 seasoned firewood, briquettes, or natural or propane gas.

LSB 1340YH (3) 85

-1-

tm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 261

- 1 c. Properly supervised landfills, ~~or the~~.
2 d. The burning of trash in incinerators or trash burners
3 made of metal, concrete, masonry, or heavy one-inch wire mesh,
4 with no openings greater than one square inch.
5 e. Burning where permitted by a city or county.

6 EXPLANATION

7 This bill relates to open burning.

8 Currently, the state fire marshal may prohibit open burning
9 during extremely dry conditions in an area of the state at the
10 request of a chief of a local fire department, a city council,
11 or a board of supervisors. The bill requires such requests
12 for open-burning prohibitions to be granted and also allows
13 emergency management coordinators to request open-burning
14 prohibitions. During extremely dry conditions, the state
15 fire marshal may issue open-burning prohibition proclamations
16 without the request of a local official.

17 Currently, certain types of burning are permitted when an
18 open-burning prohibition proclamation is issued. The bill adds
19 a permitted burning use to include the use of manufactured
20 portable outdoor fireplaces, barbecue grills, fixed outdoor
21 fireplaces, and patio warmers when used in accordance with
22 the manufacturer's instructions and only when approved fuels
23 are used such as seasoned firewood, briquettes, or natural
24 or propane gas. The bill also adds burning where burning is
25 permitted by a city or county.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 262 - Introduced

HOUSE FILE 262
BY HEATON

A BILL FOR

1 An Act establishing an office of administrative hearings within
2 the department of management.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1655YH (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 Section 1. NEW SECTION. 8.71 Office of administrative
2 hearings — creation, powers, duties.
3 1. For purposes of this section, unless the context
4 otherwise requires:
5 *a.* “Administrator” means the chief administrative law judge.
6 *b.* “Office” means the office of administrative hearings of
7 the department of management.
8 2. An independent office of administrative hearings within
9 the department is created to be headed and administered by a
10 chief administrative law judge appointed as administrator of
11 the office by the governor for a term of six years subject
12 to confirmation by the senate. The administrator may be
13 removed by the governor at any time for good cause. The
14 administrator shall coordinate the office’s conduct of appeals
15 and administrative hearings as provided by law.
16 3. *a.* The office shall employ a sufficient number of
17 administrative law judges to conduct proceedings for which
18 agencies are required, by section 17A.11 or any other provision
19 of law, to use an administrative law judge employed by the
20 office. An administrative law judge employed by the office
21 shall not perform duties inconsistent with the judge’s duties
22 and responsibilities as an administrative law judge and shall
23 be located in an office that is separated from the offices of
24 the agencies for which that person acts as a presiding officer.
25 Administrative law judges shall be covered by the merit system
26 provisions of chapter 8A, subchapter IV.
27 *b.* The office shall facilitate, insofar as practicable,
28 specialization by its administrative law judges so that
29 particular judges may become expert in presiding over cases
30 in particular agencies. An agency may, by rule, identify
31 particular classes of its contested cases for which the
32 administrative law judge who acts as presiding officer shall
33 have specified technical expertise. After the adoption of such
34 a rule, the office may assign administrative law judges to
35 preside over those identified particular classes of contested

LSB 1655YH (3) 85
ec/nh

-1-

1/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 cases only if the administrative law judge possesses the
2 technical expertise specified by agency rule. The office may
3 charge the applicable agency for the costs of any training
4 required by the office's administrative law judges to acquire
5 or maintain the technical expertise specified by agency rule.

6 4. If the office cannot furnish one of its administrative
7 law judges in response to an agency request, the administrator
8 shall designate in writing a full-time employee of an agency
9 other than the requesting agency to serve as administrative
10 law judge for the proceeding, but only with the consent of
11 the employing agency. The designee must possess the same
12 qualifications required of administrative law judges employed
13 by the office.

14 5. The office may furnish administrative law judges on
15 a contract basis to any governmental entity to conduct any
16 proceeding.

17 6. A person shall not be newly employed by the office as
18 an administrative law judge to preside over contested case
19 proceedings unless that person has a license to practice law
20 in this state.

21 7. The office shall adopt rules pursuant to this chapter and
22 chapter 17A to do all of the following:

23 a. To establish procedures for agencies to request and for
24 the administrator to assign administrative law judges employed
25 by the office.

26 b. To establish procedures and adopt forms, consistent
27 with chapter 17A and other provisions of law, to govern
28 administrative law judges employed by the office, but any
29 rules adopted under this paragraph shall be applicable to a
30 particular contested case proceeding only to the extent that
31 they are not inconsistent with the rules of the agency under
32 whose authority that proceeding is conducted. Nothing in this
33 paragraph precludes an agency from establishing procedural
34 requirements otherwise within its authority to govern its
35 contested case proceedings, including requirements with

LSB 1655YH (3) 85

-2-

ec/nh

2/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 respect to the timeliness of decisions rendered for it by
2 administrative law judges.

3 *c.* To establish standards and procedures for the evaluation,
4 training, promotion, and discipline for the administrative law
5 judges employed by the office. The procedures shall include
6 provisions for each agency for whom a particular administrative
7 law judge presides to submit to the office on a periodic basis
8 the agency's views with respect to the performance of that
9 administrative law judge or the need for specified additional
10 training for that administrative law judge. However, the
11 evaluation, training, promotion, and discipline of all
12 administrative law judges employed by the office shall remain
13 solely within the authority of the office.

14 *d.* To establish, consistent with the provisions of this
15 section and chapter 17A, a code of administrative judicial
16 conduct that is similar in function and substantially
17 equivalent to the Iowa code of judicial conduct, to govern
18 the conduct, in relation to their quasi-judicial functions in
19 contested cases, of all persons who act as presiding officers
20 under the authority of section 17A.11, subsection 1. The code
21 of administrative judicial conduct shall separately specify
22 which provisions are applicable to agency heads or members of
23 multimembered agency heads when they act as presiding officers,
24 taking into account the objectives of the code and the fact
25 that agency heads, unlike administrative law judges, have other
26 duties imposed upon them by law. The code of administrative
27 judicial conduct may also contain separate provisions, which
28 are appropriate and consistent with the objectives of such a
29 code, to govern the conduct of agency heads or the members of
30 multimember agency heads when they act as presiding officers.
31 However, a provision of the code of administrative judicial
32 conduct shall not be made applicable to agency heads or members
33 of multimember agency heads unless the application of that
34 provision to agency heads and members of multimember agency
35 heads has previously been approved by the administrative rules

LSB 1655YH (3) 85
ec/nh

-3-

3/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 coordinator.

2 e. To facilitate the performance of the responsibilities
3 conferred upon the office by this section, chapter 17A, and any
4 other provision of law.

5 8. The office may do all of the following:

6 a. Provide administrative law judges, upon request, to any
7 agency that is required to or wishes to utilize the services of
8 an administrative law judge employed by the office.

9 b. Maintain a staff of reporters and other personnel.

10 c. Administer the provisions of this section and rules
11 adopted under its authority.

12 9. The office may charge agencies for services rendered and
13 the payment received shall be considered repayment receipts as
14 defined in section 8.2.

15 10. Except to the extent specified otherwise by statute,
16 decisions of administrative law judges employed by the office
17 are subject to review by the agencies for which they act as
18 presiding officers as provided by section 17A.15 or any other
19 provision of law.

20 Sec. 2. Section 10A.106, subsection 1, paragraph a, Code
21 2013, is amended by striking the paragraph.

22 Sec. 3. Section 10A.106, subsection 2, Code 2013, is amended
23 to read as follows:

24 2. The allocation of departmental duties to the divisions of
25 the department in sections 10A.402, and 10A.702, ~~and 10A.801~~
26 does not prohibit the director from reallocating departmental
27 duties within the department.

28 Sec. 4. Section 17A.11, subsection 1, paragraph a,
29 unnumbered paragraph 1, Code 2013, is amended to read as
30 follows:

31 If the agency or an officer of the agency under whose
32 authority the contested case is to take place is a named
33 party to that proceeding or a real party in interest to that
34 proceeding the presiding officer may be, in the discretion
35 of the agency, either the agency, one or more members of a

LSB 1655YH (3) 85

-4-

ec/nh

4/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 multimember agency, or one or more administrative law judges
2 assigned by the ~~division~~ office of administrative hearings
3 in accordance with the provisions of section ~~10A.801~~ 8.71.
4 However, a party may, within a time period specified by
5 rule, request that the presiding officer be an administrative
6 law judge assigned by the ~~division~~ office of administrative
7 hearings. Except as otherwise provided by statute, the agency
8 shall grant a request by a party for an administrative law
9 judge unless the agency finds, and states reasons for the
10 finding, that any of the following conditions exist:

11 Sec. 5. Section 17A.11, subsection 1, paragraphs b and c,
12 Code 2013, are amended to read as follows:

13 b. If the agency or an officer of the agency under whose
14 authority the contested case is to take place is not a named
15 party to that proceeding or a real party in interest to that
16 proceeding the presiding officer may be, in the discretion
17 of the agency, either the agency, one or more members of a
18 multimember agency, an administrative law judge assigned by the
19 ~~division~~ office of administrative hearings in accordance with
20 the provisions of section ~~10A.801~~ 8.71, or any other qualified
21 person designated as a presiding officer by the agency. Any
22 other person designated as a presiding officer by the agency
23 may be employed by and officed in the agency for which that
24 person acts as a presiding officer, but such a person shall
25 not perform duties inconsistent with that person's duties and
26 responsibilities as a presiding officer.

27 c. For purposes of paragraph "a", the ~~division~~ office
28 of administrative hearings established in section ~~10A.801~~
29 8.71 shall be treated as a wholly separate agency from the
30 department of ~~inspections and appeals management~~.

31 Sec. 6. Section 20.6, subsection 4, Code 2013, is amended
32 to read as follows:

33 4. Hold hearings and administer oaths, examine witnesses
34 and documents, take testimony and receive evidence, issue
35 subpoenas to compel the attendance of witnesses and the

LSB 1655YH (3) 85
ec/nh

5/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 production of records, and delegate such power to a member
2 of the board, persons appointed or employed by the board,
3 ~~including administrative law judges,~~ or administrative law
4 judges employed by the ~~division~~ office of administrative
5 hearings created by section ~~10A.801~~ 8.71, for the performance
6 of its functions. The board may petition the district court at
7 the seat of government or of the county where a hearing is held
8 to enforce a board order compelling the attendance of witnesses
9 and production of records.

10 Sec. 7. Section 20.11, subsection 2, Code 2013, is amended
11 to read as follows:

12 2. The board may designate one of its members, an
13 administrative law judge employed by the office of
14 administrative hearings created by section 8.71, or any
15 other qualified person employed by the board to serve as the
16 presiding officer at the hearing. The presiding officer has
17 the powers as may be exercised by the board for conducting the
18 hearing and shall follow the procedures adopted by the board
19 for conducting the hearing. The proposed decision of the
20 presiding officer may be appealed to the board, or reviewed
21 on motion of the board, in accordance with the provisions of
22 chapter 17A.

23 Sec. 8. Section 68B.32C, subsection 2, Code 2013, is amended
24 to read as follows:

25 2. Hearings held pursuant to this chapter shall be heard
26 by a quorum of the board, unless the board designates a board
27 member or an administrative law judge employed by the office
28 of administrative hearings created by section 8.71 to preside
29 at the hearing. If a quorum of the board does not preside at
30 the hearing, the board member or administrative law judge shall
31 make a proposed decision. The board or presiding board member
32 may be assisted by an administrative law judge in the conduct
33 of the hearing and the preparation of a decision.

34 Sec. 9. Section 96.6, subsection 3, paragraph b, Code 2013,
35 is amended to read as follows:

LSB 1655YH (3) 85

-6-

ec/nh

6/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 *b.* Appeals from the initial determination shall be heard
2 by an administrative law judge employed by the ~~department~~
3 office of administrative hearings created by section 8.71.
4 An administrative law judge's decision may be appealed by
5 any party to the employment appeal board created in section
6 10A.601. The decision of the appeal board is final agency
7 action and an appeal of the decision shall be made directly to
8 the district court.

9 Sec. 10. Section 97B.20B, Code 2013, is amended to read as
10 follows:

11 **97B.20B Hearing by administrative law judge.**

12 If an appeal is filed and is not withdrawn, an administrative
13 law judge employed by the office of administrative hearings
14 created by section 8.71 in the department of ~~inspections and~~
15 ~~appeals management~~, after affording the parties reasonable
16 opportunity for fair hearing, shall affirm, modify, or reverse
17 the decision of the system. The hearing shall be recorded
18 by mechanical means and a transcript of the hearing shall be
19 made. The transcript shall then be made available for use by
20 the employment appeal board and by the courts at subsequent
21 judicial review proceedings under the Iowa administrative
22 procedure Act, chapter 17A, if any. The parties shall be duly
23 notified of the administrative law judge's decision, together
24 with the administrative law judge's reasons. The decision is
25 final unless, within thirty days after the date of notification
26 or mailing of the decision, review by the employment appeal
27 board is initiated pursuant to section 97B.27.

28 Sec. 11. Section 123.32, subsection 6, paragraph b, Code
29 2013, is amended to read as follows:

30 *b.* Upon receipt of an application having been approved by
31 the local authority, the division shall make an investigation
32 as the administrator deems necessary to determine that the
33 applicant complies with all requirements for holding a license
34 or permit, and may require the applicant to appear to be
35 examined under oath to demonstrate that the applicant complies

LSB 1655YH (3) 85
ec/nh

-7-

7/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 with all of the requirements to hold a license or permit. If
2 the administrator requires the applicant to appear and to
3 testify under oath, a record shall be made of all testimony or
4 evidence and the record shall become a part of the application.
5 The administrator may appoint a member of the division or may
6 request an administrative law judge employed by the office
7 of administrative hearings created by section 8.71 of the
8 department of ~~inspections and appeals~~ management to receive
9 the testimony under oath and evidence, and to issue a proposed
10 decision to approve or disapprove the application for a license
11 or permit. The administrator may affirm, reverse, or modify
12 the proposed decision to approve or disapprove the application
13 for the license or permit. If the application is approved
14 by the administrator, the license or permit shall be issued.
15 If the application is disapproved by the administrator, the
16 applicant and the appropriate local authority shall be so
17 notified by certified mail.

18 Sec. 12. Section 123.32, subsections 7 and 9, Code 2013, are
19 amended to read as follows:

20 7. *Appeal to administrator.* An applicant for a liquor
21 control license, wine permit, or beer permit may appeal from
22 the local authority's disapproval of an application for a
23 license or permit to the administrator. In the appeal the
24 applicant shall be allowed the opportunity to demonstrate in
25 an evidentiary hearing conducted pursuant to chapter 17A that
26 the applicant complies with all of the requirements for holding
27 the license or permit. The administrator may appoint a member
28 of the division or may request an administrative law judge
29 employed by the office of administrative hearings created in
30 section 8.71 from the department of ~~inspections and appeals~~
31 management to conduct the evidentiary hearing and to render a
32 proposed decision to approve or disapprove the issuance of the
33 license or permit. The administrator may affirm, reverse, or
34 modify the proposed decision. If the administrator determines
35 that the applicant complies with all of the requirements for

LSB 1655YH (3) 85
ec/nh

8/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 holding a license or permit, the administrator shall order
2 the issuance of the license or permit. If the administrator
3 determines that the applicant does not comply with the
4 requirements for holding a license or permit, the administrator
5 shall disapprove the issuance of the license or permit.
6 9. *Suspension by local authority.* A liquor control licensee
7 or a wine or beer permittee whose license or permit has been
8 suspended or revoked or a civil penalty imposed by a local
9 authority for a violation of this chapter or suspended by
10 a local authority for violation of a local ordinance may
11 appeal the suspension, revocation, or civil penalty to the
12 administrator. The administrator may appoint a member of the
13 division or may request an administrative law judge employed
14 by the office of administrative hearings created in section
15 8.71 from the department of inspections and appeals management
16 to hear the appeal which shall be conducted in accordance
17 with chapter 17A and to issue a proposed decision. The
18 administrator may review the proposed decision upon the motion
19 of a party to the appeal or upon the administrator's own motion
20 in accordance with chapter 17A. Upon review of the proposed
21 decision, the administrator may affirm, reverse, or modify the
22 proposed decision. A liquor control licensee, wine or beer
23 permittee, or a local authority aggrieved by a decision of the
24 administrator may seek judicial review of the decision pursuant
25 to chapter 17A.

26 Sec. 13. Section 123.39, subsection 1, paragraph a, Code
27 2013, is amended to read as follows:

28 a. The administrator or the local authority may suspend
29 a license or permit issued pursuant to this chapter for a
30 period not to exceed one year, revoke the license or permit,
31 or impose a civil penalty not to exceed one thousand dollars
32 per violation. Before suspension, revocation, or imposition
33 of a civil penalty, the license or permit holder shall be
34 given written notice and an opportunity for a hearing. The
35 administrator may appoint a member of the division or may

LSB 1655YH (3) 85
ec/nh

9/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 request an administrative law judge employed by the office
2 of administrative hearings created in section 8.71 from the
3 department of ~~inspections and appeals management~~ to conduct
4 the hearing and issue a proposed decision. Upon the motion
5 of a party to the hearing or upon the administrator's own
6 motion, the administrator may review the proposed decision
7 in accordance with chapter 17A. Upon review of the proposed
8 decision, the administrator may affirm, reverse, or modify the
9 proposed decision. A licensee or permittee aggrieved by a
10 decision of the administrator may seek judicial review of the
11 administrator's decision in accordance with chapter 17A.

12 Sec. 14. Section 216.15, subsection 3, paragraph a, Code
13 2013, is amended to read as follows:

14 a. After the filing of a verified complaint, a true copy
15 shall be served within twenty days on the person against whom
16 the complaint is filed, except as provided in subsection 4.
17 An authorized member of the commission staff shall make a
18 prompt investigation and shall issue a recommendation to an
19 administrative law judge employed ~~either by the commission or~~
20 by the division office of administrative hearings created by
21 section ~~10A.801~~ 8.71, who shall then issue a determination of
22 probable cause or no probable cause.

23 Sec. 15. Section 216.15, subsection 6, Code 2013, is amended
24 to read as follows:

25 6. When the director is satisfied that further endeavor to
26 settle a complaint by conference, conciliation, and persuasion
27 is unworkable and should be bypassed, and the thirty-day period
28 provided for in subsection 3 has expired without agreement, the
29 director with the approval of a commissioner, shall issue and
30 cause to be served a written notice specifying the charges in
31 the complaint as they may have been amended and the reasons for
32 bypassing conciliation, if the conciliation is bypassed, and
33 requiring the respondent to answer the charges of the complaint
34 at a hearing before the commission, a commissioner, or a person
35 designated by the commission to conduct the hearing, who is

LSB 1655YH (3) 85

-10-

ec/nh

10/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 employed by the office of administrative hearings created in
2 section 8.71 and is hereafter referred to as the administrative
3 law judge, and at a time and place to be specified in the
4 notice.

5 Sec. 16. Section 225C.8, subsection 2, Code 2013, is amended
6 to read as follows:

7 2. The department or the county that received the
8 notification, as applicable, shall respond to the party that
9 provided the notification within forty-five days of receiving
10 the notification. If the parties cannot agree to a settlement
11 as to the person's legal settlement status within ninety days
12 of the date of notification, on motion of any of the parties,
13 the matter shall be referred to the department of ~~inspections~~
14 ~~and appeals~~ management for a contested case hearing under
15 chapter 17A before an administrative law judge assigned in
16 accordance with section ~~10A.801~~ 8.71 to determine the person's
17 legal settlement status.

18 Sec. 17. Section 256B.6, subsection 4, Code 2013, is amended
19 to read as follows:

20 4. ~~Notwithstanding section 17A.11, the~~ The state board
21 of education shall adopt rules for, consistent with section
22 17A.11, request the appointment of an impartial administrative
23 law judge employed by the office of administrative hearings
24 created in section 8.71 for special education appeals. The
25 ~~rules~~ appointment of an administrative law judge shall comply
26 with federal statutes and regulations.

27 Sec. 18. Section 272.14, Code 2013, is amended to read as
28 follows:

29 **272.14 Appointment of administrative law judges.**

30 The board shall maintain a list of qualified persons,
31 employed by the office of administrative hearings created in
32 section 8.71, who are experienced in the educational system of
33 this state to serve as administrative law judges when a hearing
34 is requested under section 279.24. When requested under
35 section 279.24, the board shall submit a list of five qualified

LSB 1655YH (3) 85

-11-

ec/nh

11/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 administrative law judges to the parties. The parties shall
2 select one of the five qualified persons to conduct the hearing
3 as provided in section 279.24. The hearing shall be held
4 pursuant to the provisions of chapter 17A relating to contested
5 cases. The full costs of the hearing shall be shared equally
6 by the parties.

7 Sec. 19. Section 279.24, subsection 5, paragraph c, Code
8 2013, is amended to read as follows:

9 c. Within five days after receipt of the written notice
10 that the school board has voted to consider termination of
11 the contract, the administrator may request in writing to
12 the secretary of the school board that the notification be
13 forwarded to the board of educational examiners along with a
14 request that the board of educational examiners submit a list
15 of five qualified administrative law judges employed by the
16 office of administrative hearings created in section 8.71 to
17 the parties. Within three days from receipt of the list the
18 parties shall select an administrative law judge by alternately
19 removing a name from the list until only one name remains.
20 The person whose name remains shall be the administrative law
21 judge. The parties shall determine by lot which party shall
22 remove the first name from the list. The hearing shall be
23 held no sooner than ten days and not later than thirty days
24 following the administrator's request unless the parties
25 otherwise agree. If the administrator does not request a
26 hearing, the school board, not later than May 31, may determine
27 the continuance or discontinuance of the contract and, if the
28 board determines to continue the administrator's contract,
29 whether to suspend the administrator with or without pay for a
30 period specified by the board. School board action shall be by
31 majority roll call vote entered on the minutes of the meeting.
32 Notice of school board action shall be personally delivered or
33 mailed to the administrator.

34 Sec. 20. Section 284.9, subsection 4, Code 2013, is amended
35 to read as follows:

LSB 1655YH (3) 85
ec/nh

12/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 4. A teacher who does not receive a recommendation from a
2 review panel may appeal that denial to an administrative law
3 judge employed by the office of administrative hearings created
4 in section 8.71 and located in the department of inspections
5 and appeals management. The state shall not be liable for a
6 teacher's attorney fees, costs, or damages that may result from
7 an appeal of a review panel's decision. The state board shall
8 adopt rules to administer this section.

9 Sec. 21. Section 331.394, subsection 5, paragraph c, Code
10 2013, is amended to read as follows:

11 c. The department, county, or region that received the
12 notification, as applicable, shall respond to the party that
13 provided the notification within forty-five days of receiving
14 the notification. If the parties cannot agree to a settlement
15 as to the person's residency status within ninety days of the
16 date of notification, on motion of any of the parties, the
17 matter shall be referred to the department of ~~inspections and~~
18 appeals management for a contested case hearing under chapter
19 17A before an administrative law judge assigned in accordance
20 with section ~~10A.801~~ 8.71 to determine the person's residency
21 status.

22 Sec. 22. Section 331.394, subsection 6, paragraph c, Code
23 2013, is amended to read as follows:

24 c. The department, county, or region that received the
25 notification, as applicable, shall respond to the party
26 that provided the notification within forty-five days of
27 receiving the notification. If the parties cannot agree to a
28 settlement as to the dispute within ninety days of the date
29 of notification, on motion of any of the parties, the matter
30 shall be referred to the department of inspections and appeals
31 for a contested case hearing under chapter 17A before an
32 administrative law judge assigned in accordance with section
33 ~~10A.801~~ 8.71 to determine facts and issue a decision to resolve
34 the dispute.

35 Sec. 23. Section 453A.2, subsection 6, Code 2013, is amended

LSB 1655YH (3) 85

-13-

ec/nh

13/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 to read as follows:

2 6. If a county or a city has not assessed a penalty pursuant
3 to section 453A.22, subsection 2, for a violation of subsection
4 1, within sixty days of the adjudication of the violation,
5 the matter shall be transferred to and be the exclusive
6 responsibility of the alcoholic beverages division of the
7 department of commerce. Following transfer of the matter, if
8 the violation is contested, the alcoholic beverages division
9 of the department of commerce shall request an administrative
10 hearing before an administrative law judge, assigned by the
11 division office of administrative hearings of the department
12 of ~~inspections and appeals management~~ in accordance with the
13 provisions of section ~~10A.801~~ 8.71, to adjudicate the matter
14 pursuant to chapter 17A.

15 Sec. 24. Section 455B.174, subsection 4, paragraph b, Code
16 2013, is amended to read as follows:

17 b. In addition to the requirements of paragraph "a", a
18 permit shall not be issued to operate or discharge from any
19 disposal system unless the conditions of the permit assure
20 that any discharge from the disposal system meets or will
21 meet all applicable state and federal water quality standards
22 and effluent standards and the issuance of the permit is not
23 otherwise prohibited by the federal Water Pollution Control
24 Act. All applications for discharge permits are subject
25 to public notice and opportunity for public participation
26 including public hearing as the department may by rule require.
27 The director shall promptly notify the applicant in writing
28 of the director's action and, if the permit is denied, state
29 the reasons for denial. A person who is an applicant or
30 permittee may contest the denial of a permit or any condition
31 of a permit issued by the director if the person notifies the
32 director within thirty days of the director's notice of denial
33 or issuance of the permit. Notwithstanding section 17A.11,
34 subsection 1, if the applicant or permittee timely contests
35 the director's action, the presiding officer in the resulting

LSB 1655YH (3) 85

-14-

ec/nh

14/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 contested case proceeding shall be an administrative law judge
2 assigned by the ~~division~~ office of administrative hearings
3 pursuant to sections ~~10A.801~~ 8.71 and 17A.11.

4 Sec. 25. Section 505.29, Code 2013, is amended to read as
5 follows:

6 **505.29 Administrative hearings.**

7 The commissioner of insurance shall have the authority
8 to appoint as a hearing officer a designee or an independent
9 administrative law judge. Duties of a hearing officer shall
10 include hearing contested cases arising from conduct governed
11 by chapters 502, 502A, this chapter, chapters 505A through
12 523G, and 523I. Sections ~~10A.801~~ 8.71 and 17A.11 ~~do not~~ apply
13 to the appointment of a designee or an administrative law judge
14 pursuant to this section.

15 Sec. 26. Section 724.21A, subsection 1, Code 2013, is
16 amended to read as follows:

17 1. In any case where the sheriff or the commissioner of
18 public safety denies an application for or suspends or revokes
19 a permit to carry weapons or an annual permit to acquire
20 pistols or revolvers, the sheriff or commissioner shall provide
21 a written statement of the reasons for the denial, suspension,
22 or revocation and the applicant or permit holder shall have
23 the right to appeal the denial, suspension, or revocation
24 to an administrative law judge employed by the office of
25 administrative hearings created in section 8.71 in the
26 department of ~~inspections and appeals~~ management within thirty
27 days of receiving written notice of the denial, suspension, or
28 revocation.

29 Sec. 27. Section 903A.1, Code 2013, is amended to read as
30 follows:

31 **903A.1 Conduct review.**

32 The director of the Iowa department of corrections shall
33 appoint independent administrative law judges whose duties
34 shall include but are not limited to review, as provided in
35 section 903A.3, of the conduct of inmates in institutions

LSB 1655YH (3) 85
ec/nh

15/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 under the department. Sections ~~10A.801~~ 8.71 and 17A.11 ~~do not~~
2 apply to administrative law judges appointed pursuant to this
3 section.

4 Sec. 28. REPEAL. Section 10A.801, Code 2013, is repealed.

5 Sec. 29. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

6 1. Any rule, regulation, form, order, or directive
7 promulgated by the department of inspections and appeals and
8 the division of administrative hearings as it relates to the
9 division of administrative hearings which is in effect on the
10 effective date of this Act shall continue in full force and
11 effect until amended, repealed, or supplemented by affirmative
12 action of the office of administrative hearings as established
13 in this Act.

14 2. Any personnel in the state merit system of employment
15 who are mandatorily transferred due to the effect of this Act
16 shall be so transferred without any loss in salary, benefits,
17 or accrued years of service.

18 EXPLANATION

19 This bill establishes an office of administrative hearings
20 within the department of management headed by a chief
21 administrative law judge subject to appointment by the governor
22 and confirmation by the senate.

23 Current law provides for a division of administrative
24 hearings within the department of inspections and appeals
25 headed by an administrator appointed by the director of the
26 department.

27 Current duties and authority of the division are transferred
28 to the new office.

29 In addition to moving the division of administrative
30 hearings of the department of inspections and appeals to
31 the new office of administrative hearings in the department
32 of management, the bill also modifies the authority of
33 various governmental entities relative to the appointment of
34 administrative law judges.

35 Code section 20.6, concerning the powers of the public

LSB 1655YH (3) 85

-16-

ec/nh

16/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 employment relations board, is amended to eliminate the ability
2 of the board to appoint administrative law judges employed by
3 the board.

4 Code section 68B.32C, concerning the ethics and campaign
5 disclosure board, is amended to provide that any administrative
6 law judge used by the board shall be employed by the office
7 created in the bill.

8 Code section 96.6, concerning the filing of unemployment
9 compensation claims, is amended to provide that appeals shall
10 be heard by an administrative law judge employed by the new
11 office and not by the department of workforce development.

12 Code section 261.15, concerning the civil rights commission,
13 is amended to require that an administrative law judge be
14 employed by the new office created in the bill.

15 Code section 256B.6, concerning the department of education
16 and special education, is amended to provide that the
17 appointment of an administrative law judge by the state board
18 of education shall be through the new office of administrative
19 hearings created in the bill.

20 Code sections 272.14 and 279.24, concerning the educational
21 examiners board, are amended to provide that administrative
22 law judges utilized by the board be administrative law judges
23 employed by the new office of administrative hearings created
24 in the bill.

25 Code section 505.29, concerning administrative hearings by
26 the commissioner of insurance, is amended to require that the
27 appointment of an administrative law judge be done consistent
28 with the requirements of the new office of administrative
29 hearings and Code section 17A.11.

30 Code section 903A.1, concerning the appointment of
31 administrative law judges by the department of corrections, is
32 amended to require that the appointment of an administrative
33 law judge be done consistent with the requirements of the new
34 office of administrative hearings and Code section 17A.11.

35 The bill also includes transition provisions governing

LSB 1655YH (3) 85
ec/nh

17/18



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 262

1 administrative rules and personnel moved from the division of
2 administrative hearings in the department of inspections and
3 appeals to the new office within the department of management.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 263 - Introduced

HOUSE FILE 263
BY MOORE

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles
2 on highways upon registration with the department of
3 transportation, providing a registration fee, and providing
4 penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1968YH (5) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 Section 1. Section 321.1, subsection 32, Code 2013, is
2 amended to read as follows:

3 32. *"Implement of husbandry"* means a vehicle or special
4 mobile equipment manufactured, designed, or reconstructed
5 for agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 *"Implements of husbandry"* includes all-terrain vehicles operated
8 in compliance with section 321.234A, subsection 1, paragraph
9 *"a"*, but not registered for operation upon a highway pursuant
10 to section 321.118, fence-line feeders, and vehicles used
11 exclusively for the application of organic or inorganic plant
12 food materials, organic agricultural limestone, or agricultural
13 chemicals. To be considered an implement of husbandry, a
14 self-propelled implement of husbandry must be operated at
15 speeds of thirty-five miles per hour or less.

16 a. *"Reconstructed"* as used in this subsection means
17 materially altered from the original construction by the
18 removal, addition, or substitution of essential parts, new or
19 used.

20 b. A vehicle covered under this subsection, if it otherwise
21 qualifies, may be operated as special mobile equipment
22 and under such circumstances this subsection shall not be
23 applicable to such vehicle, and such vehicle shall not be
24 required to comply with sections 321.384 through 321.423, when
25 such vehicle is moved during daylight hours; however, the
26 provisions of section 321.383 shall remain applicable to such
27 vehicle.

28 Sec. 2. Section 321.1, subsection 47A, Code 2013, is amended
29 by striking the subsection and inserting in lieu thereof the
30 following:

31 47A. *"Off-road utility vehicle"* means as defined in section
32 321I.1, subsection 17, paragraph *"a"*.

33 Sec. 3. Section 321.20, subsection 1, paragraph e, Code
34 2013, is amended to read as follows:

35 *e.* The amount of the fee for new registration to be paid

LSB 1968YH (5) 85
dea/nh

-1-

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 under section 321.105A if applicable, the amount of tax to be
2 paid under section 423.26, subsection 1, or the amount of tax
3 to be paid under section 423.26A.

4 Sec. 4. Section 321.105A, subsection 2, paragraph c, Code
5 2013, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (31) An all-terrain vehicle, if the owner
7 paid the sales tax required under section 423.2 at the time the
8 vehicle was purchased.

9 Sec. 5. Section 321.109, subsection 1, paragraph a, Code
10 2013, is amended to read as follows:

11 a. The annual fee for all motor vehicles including vehicles
12 designated by manufacturers as station wagons, 1993 and
13 subsequent model year multipurpose vehicles, and 2010 and
14 subsequent model year motor trucks with an unladen weight of
15 ten thousand pounds or less, except motor trucks registered
16 under section 321.122, business-trade trucks, special trucks,
17 motor homes, ambulances, hearses, all-terrain vehicles,
18 motorcycles, motorized bicycles, and 1992 and older model year
19 multipurpose vehicles, shall be equal to one percent of the
20 value as fixed by the department plus forty cents for each one
21 hundred pounds or fraction thereof of weight of vehicle, as
22 fixed by the department. The weight of a motor vehicle, fixed
23 by the department for registration purposes, shall include
24 the weight of a battery, heater, bumpers, spare tire, and
25 wheel. Provided, however, that for any new vehicle purchased
26 in this state by a nonresident for removal to the nonresident's
27 state of residence the purchaser may make application to the
28 county treasurer in the county of purchase for a transit plate
29 for which a fee of ten dollars shall be paid. And provided,
30 however, that for any used vehicle held by a registered dealer
31 and not currently registered in this state, or for any vehicle
32 held by an individual and currently registered in this state,
33 when purchased in this state by a nonresident for removal to
34 the nonresident's state of residence, the purchaser may make
35 application to the county treasurer in the county of purchase

LSB 1968YH (5) 85
dea/nh

2/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 for a transit plate for which a fee of three dollars shall
2 be paid. The county treasurer shall issue a nontransferable
3 certificate of registration for which no refund shall be
4 allowed; and the transit plates shall be void thirty days
5 after issuance. Such purchaser may apply for a certificate
6 of title by surrendering the manufacturer's or importer's
7 certificate or certificate of title, duly assigned as provided
8 in this chapter. In this event, the treasurer in the county
9 of purchase shall, when satisfied with the genuineness and
10 regularity of the application, and upon payment of a fee of
11 twenty dollars, issue a certificate of title in the name and
12 address of the nonresident purchaser delivering the title
13 to the owner. If there is a security interest noted on the
14 title, the county treasurer shall mail to the secured party an
15 acknowledgment of the notation of the security interest. The
16 county treasurer shall not release a security interest that
17 has been noted on a title issued to a nonresident purchaser
18 as provided in this paragraph. The application requirements
19 of section 321.20 apply to a title issued as provided in this
20 subsection, except that a natural person who applies for a
21 certificate of title shall provide either the person's social
22 security number, passport number, or driver's license number,
23 whether the license was issued by this state, another state, or
24 another country. The provisions of this subsection relating to
25 multipurpose vehicles are effective for all 1993 and subsequent
26 model years. The annual registration fee for multipurpose
27 vehicles that are 1992 model years and older shall be in
28 accordance with section 321.124.

29 Sec. 6. NEW SECTION. 321.118 **All-terrain vehicles.**

30 An all-terrain vehicle may be titled and registered under
31 this chapter for operation on secondary roads and on city
32 streets where authorized, as provided in this chapter, for an
33 annual fee of fifty dollars. Registration under this section
34 is in addition to the requirements of chapter 321I. The
35 department shall adopt rules for the titling and registration

LSB 1968YH (5) 85
dea/nh

-3-

3/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 of all-terrain vehicles pursuant to this section.

2 Sec. 7. Section 321.166, subsection 1, paragraph a, Code
3 2013, is amended to read as follows:

4 a. Registration plates shall be of metal and of a size not
5 to exceed six inches by twelve inches, except that the size
6 of plates issued for use on all-terrain vehicles, motorized
7 bicycles, motorcycles, motorcycle trailers, and trailers
8 with an empty weight of two thousand pounds or less shall be
9 established by the department.

10 Sec. 8. Section 321.166, subsection 4, Code 2013, is amended
11 to read as follows:

12 4. The registration plate number, except on all-terrain
13 vehicles, motorized bicycles, motorcycles, motorcycle trailers,
14 and trailers with an empty weight of two thousand pounds
15 or less, shall be of sufficient size to be readable from a
16 distance of one hundred feet during daylight.

17 Sec. 9. Section 321.234A, Code 2013, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5. The provisions of this section do
20 not apply to an all-terrain vehicle operated on a highway in
21 accordance with section 321.234B.

22 Sec. 10. NEW SECTION. **321.234B Registered all-terrain**
23 **vehicles — operation on highways.**

24 An all-terrain vehicle which is registered under this
25 chapter may be operated on a highway subject to all of the
26 following:

27 1. *Persons who may operate.* A person shall not operate an
28 all-terrain vehicle on a highway unless the person is sixteen
29 years of age or older and has a valid driver's license other
30 than a license valid only for operation of a motorized bicycle.

31 2. *Operation on certain highways only.* All-terrain vehicles
32 registered under section 321.118 may be operated on secondary
33 roads, but shall not be operated on primary highways or on
34 highways within the corporate limits of a city except as
35 follows:

LSB 1968YH (5) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 *a.* A person shall not operate an all-terrain vehicle
2 registered under section 321.118 on a primary highway except
3 to cross a primary highway; however, the provisions of section
4 321I.10 govern the crossing of a primary highway when the
5 all-terrain vehicle is being operated on an all-terrain vehicle
6 trail.

7 *b.* A person shall not operate an all-terrain vehicle on
8 a highway within the corporate limits of a city except on
9 a nonprimary highway where such operation is authorized by
10 ordinance pursuant to section 321.236, subsection 14A.

11 3. *Motor vehicle laws applicable.* The motor vehicle
12 laws, including but not limited to the provisions of sections
13 321.20B, 321.285, 321.317, 321.385, and 321.387, apply to the
14 operation of all-terrain vehicles registered for operation on
15 highways, except for those provisions relating to required
16 equipment which by their nature can have no practical
17 application.

18 4. *Penalties.* A person convicted of a violation of
19 subsection 1 or 2 is guilty of a simple misdemeanor punishable
20 as a scheduled violation under section 805.8A, subsection 1.

21 Sec. 11. Section 321.236, Code 2013, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 14A. Authorizing the operation of
24 all-terrain vehicles registered under section 321.118 on
25 highways under the jurisdiction of a city, other than municipal
26 extensions of primary highways.

27 Sec. 12. Section 321.285, Code 2013, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 6A. Notwithstanding any other speed
30 restrictions allowing for speed in excess of forty-five miles
31 per hour, a person shall not operate an all-terrain vehicle on
32 a highway at a speed in excess of forty-five miles per hour.

33 Sec. 13. Section 321I.1, subsection 17, paragraph b, Code
34 2013, is amended to read as follows:

35 *b.* The operator of an off-road utility vehicle is subject

LSB 1968YH (5) 85
dea/nh

5/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 to provisions governing the operation of all-terrain vehicles
2 in section 321.234A, this chapter, and administrative rules,
3 but is exempt from the education instruction and certification
4 program requirements of sections 321I.25 and 321I.26. An
5 operator of an off-road utility vehicle shall not operate the
6 vehicle on a designated riding area or designated riding trail
7 unless the department has posted signage indicating the riding
8 area or trail is open to the operation of off-road utility
9 vehicles. Off-road utility vehicles are subject to the dealer
10 registration and titling requirements of this chapter. A
11 motorized vehicle that was previously titled or is currently
12 titled under chapter 321, except section 321.118, shall not be
13 registered or operated as an off-road utility vehicle under
14 this chapter.

15 Sec. 14. Section 321I.9, unnumbered paragraph 1, Code 2013,
16 is amended to read as follows:

17 Registration under this chapter shall not be required for
18 the following described all-terrain vehicles:

19 Sec. 15. Section 321I.10, subsections 1 through 3, Code
20 2013, are amended to read as follows:

21 1. A person shall not operate an all-terrain vehicle or
22 off-road utility vehicle upon roadways or highways except as
23 provided in ~~section~~ sections 321.234A and 321.234B and this
24 section.

25 2. ~~A registered~~ An all-terrain vehicle or off-road utility
26 vehicle registered under this chapter may be operated on
27 the roadways of that portion of county highways designated
28 by the county board of supervisors for such use during a
29 specified period. The county board of supervisors shall
30 evaluate the traffic conditions on all county highways and
31 designate roadways on which all-terrain vehicles or off-road
32 utility vehicles may be operated for the specified period
33 without unduly interfering with or constituting an undue
34 hazard to conventional motor vehicle traffic. In designating
35 such roadways, the board may authorize all-terrain vehicles

LSB 1968YH (5) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 and off-road utility vehicles to stop at service stations or
2 convenience stores along a designated roadway.

3 3. Cities may designate streets under the jurisdiction of
4 cities within their respective corporate limits which may be
5 used for the operation of ~~registered~~ all-terrain vehicles or
6 ~~registered~~ off-road utility vehicles registered under this
7 chapter. In designating such streets, the city may authorize
8 all-terrain vehicles and off-road utility vehicles to stop
9 at service stations or convenience stores along a designated
10 street.

11 Sec. 16. Section 321I.31, subsection 1, Code 2013, is
12 amended to read as follows:

13 1. The owner of an all-terrain vehicle acquired on or
14 after January 1, 2000, other than an all-terrain vehicle used
15 exclusively as a farm implement, ~~or~~ a motorcycle previously
16 issued a title pursuant to chapter 321, or an all-terrain
17 vehicle issued a certificate of title under section 321.20 and
18 registered in accordance with section 321.118, shall apply to
19 the county recorder of the county in which the owner resides
20 for a certificate of title for the all-terrain vehicle. The
21 owner of an all-terrain vehicle used exclusively as a farm
22 implement may obtain a certificate of title. A person who
23 owns an all-terrain vehicle that is not required to have a
24 certificate of title may apply for and receive a certificate
25 of title for the all-terrain vehicle and, subsequently, the
26 all-terrain vehicle shall be subject to the requirements of
27 this chapter as if the all-terrain vehicle were required to be
28 titled. All all-terrain vehicles that are titled under this
29 chapter shall be registered under this chapter. An all-terrain
30 vehicle that is titled under section 321.20 and registered
31 under section 321.118, shall also be registered under this
32 chapter.

33 Sec. 17. Section 805.8A, subsection 1, Code 2013, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1

LSB 1968YH (5) 85
dea/nh

7/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 or 2.....\$50.

2 EXPLANATION

3 This bill provides for the registration of all-terrain
4 vehicles for operation on certain Iowa roads.

5 Code section 321.1 defines "all-terrain vehicle" as a motor
6 vehicle designed to travel on three or more wheels and designed
7 primarily for off-road recreational use. The definition
8 includes off-road utility vehicles, but excludes farm tractors
9 or equipment, construction equipment, forestry vehicles,
10 and lawn and grounds maintenance vehicles. Currently, the
11 department of natural resources regulates all-terrain vehicles
12 for purposes of off-road recreational use. All-terrain
13 vehicles are not permitted on Iowa highways, except under
14 limited circumstances.

15 Under the bill, the owner of an all-terrain vehicle may
16 register the vehicle with the department of transportation by
17 applying for a certificate of title and registration from the
18 county treasurer. The annual registration fee is \$50. The
19 size of license plates to be issued for all-terrain vehicles
20 will be determined by the department of transportation.
21 Because all-terrain vehicles are currently subject to sales
22 tax, the bill provides that all-terrain vehicles are exempt
23 from the fee for new registration imposed on vehicles subject
24 to registration, so long as the owner has paid the sales tax
25 at the time of purchase. Registration with the department
26 of transportation does not exempt the owner from the current
27 requirement to register the all-terrain vehicle with the
28 department of natural resources, but if the owner obtains a
29 certificate of title from the department of transportation, the
30 owner does not have to repeat that process when registering the
31 vehicle with the department of natural resources.

32 The bill provides that an all-terrain vehicle registered
33 with the department of transportation may be operated on
34 secondary roads, but not on primary highways, except to
35 cross over a primary highway, and not on highways within the

LSB 1968YH (5) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 263

1 corporate limits of a city except where all-terrain vehicles
2 are permitted by ordinance. Under the bill, a city may
3 authorize the operation of all-terrain vehicles registered
4 with the department of transportation on highways under the
5 city's jurisdiction other than municipal extensions of primary
6 highways.

7 The bill states that a person who operates an all-terrain
8 vehicle on a highway must be at least 16 years of age and have
9 a valid driver's license other than a license valid only for
10 the operation of a motorized bicycle. Iowa motor vehicle laws
11 apply to the operation of all-terrain vehicles on highways
12 except those equipment provisions which by their nature can
13 have no practical application. The bill specifies that the
14 operator of an all-terrain vehicle must carry proof of motor
15 vehicle financial liability coverage, and the all-terrain
16 vehicle must meet requirements for headlamps, rear lamps,
17 and turn signals. Current speed limits apply to all-terrain
18 vehicles operated on a highway, except that an all-terrain
19 vehicle may not be operated at a speed exceeding 45 miles per
20 hour.

21 Under current law, a person who operates an all-terrain
22 vehicle on a highway in violation of current restrictions
23 commits a simple misdemeanor punishable by a scheduled fine
24 of \$50. The bill establishes the same penalty for a person
25 who operates a registered all-terrain vehicle in violation of
26 minimum age and licensing requirements or on a highway where
27 all-terrain vehicle operation is not authorized.

28 The bill makes conforming amendments to Code chapter 321I,
29 relating to the regulation of all-terrain vehicles by the
30 department of natural resources and to permissible operation on
31 city and county roads pursuant to that Code chapter.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 264 - Introduced

HOUSE FILE 264

BY MOORE, MUHLBAUER, KRESSIG,
JACOBY, RUFF, H. MILLER,
THOMAS, KAUFMANN,
ABDUL-SAMAD, COHOON,
GRASSLEY, RIDING, FORBES,
KELLEY, GAINES, STECKMAN,
WOOD, PRICHARD, STAED,
LYKAM, STUTSMAN, KEARNS,
OURTH, BEARINGER, WOLFE,
KAJTAZOVIC, T. TAYLOR,
MASCHER, GASKILL, T. OLSON,
HANSON, DAWSON, and HALL

A BILL FOR

1 An Act concerning the vehicle height limit for a flatbed
2 trailer carrying a load of hay, straw, or stover.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 264

1 Section 1. Section 321.456, Code 2013, is amended to read
2 as follows:

3 **321.456 Height of vehicles.**

4 1. A vehicle unladen or with load shall not exceed a height
5 of thirteen feet, six inches, except that a for the following:

6 a. A vehicle or combination of vehicles coupled together and
7 used exclusively for the transportation of passenger vehicles,
8 light delivery trucks, panel delivery trucks, pickup trucks,
9 or recreational vehicle chassis may operate with a height not
10 to exceed fourteen feet.

11 b. A flatbed trailer being used to transport hay, straw, or
12 stover may be moved on a noninterstate highway with a height
13 not to exceed fourteen feet six inches.

14 2. This section shall not be construed to require any
15 railroad or public authorities to provide sufficient vertical
16 clearance to permit the operation of such vehicle upon the
17 highways of this state. Any damage to highways, highway or
18 railroad structures, or underpasses caused by the height of
19 any vehicle provided for by this section shall be borne by the
20 operator or owner of the vehicle.

21 EXPLANATION

22 Currently, the height limit established for vehicles
23 operated on a highway is 13 feet, six inches. This bill raises
24 the height limit to 14 feet, six inches, for flatbed trailers
25 loaded with hay, straw, or stover when moved on a noninterstate
26 highway.

27 Pursuant to current law, any damage to highways, highway or
28 railroad structures, or underpasses caused by the height of
29 a vehicle is the responsibility of the owner of the vehicle.
30 A person who operates a vehicle in violation of height
31 restrictions is guilty upon conviction of a simple misdemeanor
32 punishable by a scheduled fine of \$200.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 265 - Introduced

HOUSE FILE 265

BY KRESSIG, JACOBY, ISENHART,
HALL, WOLFE, BEARINGER,
GAINES, RUNNING-MARQUARDT,
WOOD, MUHLBAUER, STECKMAN,
KAJTAZOVIC, MURPHY, and
HUNTER

A BILL FOR

1 An Act providing a sales tax exemption for sales of textbooks
2 for limited time periods annually and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1913YH (4) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 265

1 Section 1. Section 423.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 99. *a.* The sales price of new and used
4 textbooks for use in attending a postsecondary educational
5 institution if the sale takes place during the period beginning
6 at 12:01 a.m. on the third Friday in August and ending at
7 midnight on the following Saturday, or during the period
8 beginning at 12:01 a.m. on the second Friday in January and
9 ending at midnight on the following Saturday.
10 *b.* For purposes of this subsection:
11 (1) "*Postsecondary educational institution*" means an
12 accredited higher education institution as defined in section
13 261.92, an Iowa community college, a postsecondary educational
14 institution under the control of the state board of regents, a
15 school of cosmetology arts and sciences licensed under chapter
16 157, or a barber school licensed under chapter 158.
17 (2) "*Textbooks*" means books and other printed materials used
18 in attending a postsecondary educational institution in this
19 state.
20 *c.* Postsecondary educational institutions are required
21 to provide the titles of required and recommended textbooks
22 for all courses and the corresponding authors, publishers,
23 and international standard book numbers for such textbooks on
24 the postsecondary educational institution's internet site for
25 access to all booksellers and all students. The state board
26 of regents shall designate the format by which the textbook
27 information shall be provided.
28 *d.* In order to receive the sales tax exemption, a person is
29 required to show a current official identification card from a
30 postsecondary educational institution and either the purchaser
31 or the bookseller must show that a textbook intended to be
32 purchased is on a list of textbooks provided by a postsecondary
33 educational institution under paragraph "*c*".
34 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

LSB 1913YH (4) 85

-1-

mm/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 265

EXPLANATION

1
2 This bill provides an annual limited-time sales tax
3 exemption for textbooks used in attending a public or private
4 Iowa postsecondary educational institution, including licensed
5 cosmetology and barber schools. "Textbooks" is defined as
6 books and other printed materials.
7 Postsecondary educational institutions are required to
8 provide the titles of textbooks for all courses and the
9 authors, publishers, and corresponding international standard
10 book numbers for the textbooks on the institution's internet
11 site in order for all booksellers and students to have access
12 to the information. The state board of regents is required to
13 provide the format in which the textbook information must be
14 provided.
15 In order to qualify for the exemption, the textbook sale
16 must take place during the period beginning at 12:01 a.m.
17 on the third Friday in August and ending at midnight on the
18 following Saturday, or during the period beginning at 12:01
19 a.m. on the second Friday in January and ending at midnight
20 on the following Saturday, and a person must show a current
21 official identification card from a postsecondary educational
22 institution and either the purchaser or the bookseller must
23 show that the textbook intended to be purchased is on an
24 institution's textbooks list.
25 By operation of Code section 423.6, an item exempt from the
26 imposition of the sales tax is also exempt from the use tax
27 imposed in Code section 423.5.
28 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 266 - Introduced

HOUSE FILE 266
BY HEATON

A BILL FOR

1 An Act relating to school district transportation costs by
2 authorizing a school district to impose a transportation
3 cost supplemental levy and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2092YH (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 266

1 Section 1. NEW SECTION. 298.17 Transportation cost
2 supplemental levy.

3 1. The board of directors of a school district with district
4 transportation costs per pupil in excess of the state average
5 transportation costs per pupil, as those amounts are determined
6 under section 257.31, subsection 17, paragraph "c", may certify
7 for levy by April 15 of the school year preceding the budget
8 year, a tax on all taxable property in the school district for
9 a transportation cost supplemental levy. The revenue from the
10 tax levied in this section shall be placed in the general fund
11 of the school district and expended for the purposes authorized
12 under subsection 3.

13 2. The amount certified by a school district for levy
14 under this section for a school budget year shall not exceed
15 an amount equal to the number of transported pupils in the
16 district for the budget year multiplied by the remainder of
17 the district's average transportation costs per pupil minus
18 the state average transportation costs per pupil, as those
19 amounts are determined under section 257.31, subsection 17,
20 paragraph "c". However, such resulting amount shall be reduced
21 by the amount of transportation assistance aid received by the
22 district under section 257.31, subsection 17, for the same
23 budget year, if applicable.

24 3. Revenues received by a school district from a levy
25 imposed under this section shall be expended only for the
26 cost of repairing, maintaining, and fueling school district
27 transportation equipment and school buses, as defined in
28 section 321.1, subsection 69.

29 4. Except for an adjustment in the amount certified for
30 levy under subsection 2, imposition of a transportation cost
31 supplemental levy under this section shall not affect a school
32 district's eligibility for transportation assistance under
33 section 257.31, subsection 17.

34 5. Revenues received by a school district under this section
35 shall not be included in district cost and such amounts shall

LSB 2092YH (2) 85
md/sc

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 266

1 be miscellaneous income.

2 Sec. 2. APPLICABILITY. This Act applies to school budget
3 years beginning on or after July 1, 2014.

4 EXPLANATION

5 This bill authorizes the board of directors of a school
6 district with district transportation costs per pupil in excess
7 of the state average transportation costs per pupil, as those
8 amounts are determined under Code section 257.31(17)(c), to
9 certify for levy a tax on all taxable property in the school
10 district for a transportation cost supplemental levy. The
11 amount certified by a school district for levy for a school
12 budget year shall not exceed an amount equal to the number
13 of transported pupils for the budget year multiplied by the
14 remainder of the district's average transportation costs per
15 pupil minus the state average transportation costs per pupil.
16 The bill provides, however, that such resulting amount shall be
17 reduced by the amount of transportation assistance aid received
18 by the district under Code section 257.31(17) for the same
19 budget year, if applicable.

20 The bill specifies that revenues received by a school
21 district from a levy imposed under the bill shall be expended
22 only for the cost of repairing, maintaining, and fueling school
23 district transportation equipment and school buses. The bill
24 provides that except for an adjustment in the amount that
25 may be certified for levy, imposition of a transportation
26 supplemental levy does not affect a school district's
27 eligibility for transportation assistance under Code section
28 257.31(17).

29 The bill specifies that revenues received by a school
30 district from a transportation cost supplemental levy shall
31 not be included in district cost and such amounts shall be
32 miscellaneous income.

33 The bill applies to school budget years beginning on or after
34 July 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 267 - Introduced

HOUSE FILE 267

BY HUSEMAN and M. SMITH

(COMPANION TO LSB 1595SS BY
McCOY)

A BILL FOR

1 An Act relating to an electric or natural gas vehicle facility
2 tax credit and including effective date and retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1595HH (2) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 267

1 Section 1. Section 422.7, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 51. *a.* A taxpayer taking a depreciation
4 allowance under section 168 of the Internal Revenue Code for
5 property described in section 422.11C is not allowed to take
6 the allowance for purposes of this division to the extent that
7 a tax credit is taken for the purchase and installation of
8 the property under section 422.11C. If a credit is taken for
9 the purchase and installation of the property under section
10 422.11C, the taxpayer shall add the amount of the allowance
11 taken on such property to the extent of the amount of the
12 credit.

13 *b.* A taxpayer taking an expensing allowance under section
14 179 of the Internal Revenue Code for property described in
15 section 422.11C is not allowed to take the allowance for
16 purposes of this division to the extent that a tax credit
17 is taken for the purchase and installation of such property
18 under section 422.11C. If a credit is taken for the purchase
19 and installation of the property under section 422.11C, the
20 taxpayer shall add the amount of the allowance taken on such
21 property to the extent of the amount of the credit.

22 *c.* This subsection is repealed on January 1, 2020.

23 Sec. 2. NEW SECTION. 422.11C **Electric or natural gas**
24 **vehicle facility tax credit.**

25 1. As used in this section, "*motor vehicle*" means the same
26 as defined in section 322.2.

27 2. The taxes imposed under this division, less the credits
28 allowed under section 422.12, shall be reduced by an electric
29 or natural gas vehicle facility tax credit. In order to be
30 eligible to claim the tax credit, the taxpayer must comply with
31 this section and rules adopted by the department necessary to
32 administer and enforce this section.

33 3. *a.* The taxpayer claiming the tax credit on an
34 agricultural basis as provided in subsection 8 must construct,
35 install, and place in service any of the following:

LSB 1595HH (2) 85

-1-

da/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 267

1 (1) An electric vehicle facility that serves a motor vehicle
2 designed by a manufacturer to operate using electricity.

3 (2) A natural gas vehicle facility that serves a motor
4 vehicle designed by a manufacturer to operate using compressed
5 natural gas.

6 b. The taxpayer claiming the tax credit on a commercial
7 basis as provided in subsection 8 must construct, install, and
8 place in service any of the following:

9 (1) An electric vehicle facility that serves a motor vehicle
10 designed by a manufacturer to operate using electricity.

11 (2) A natural gas vehicle facility that serves a motor
12 vehicle designed by a manufacturer to operate using compressed
13 natural gas.

14 c. The taxpayer claiming the tax credit on a residential
15 basis as provided in subsection 8 must construct, install,
16 and place in service an electric vehicle facility that serves
17 a motor vehicle designed by a manufacturer to operate using
18 electricity.

19 4. a. After verifying the eligibility for an electric or
20 natural gas vehicle facility tax credit as provided in this
21 section, the department of revenue shall issue the taxpayer an
22 electric or natural gas vehicle facility tax credit certificate
23 which must be attached to the taxpayer's tax return. An
24 electric or natural gas vehicle facility tax credit certificate
25 shall include all of the following:

26 (1) The taxpayer's name, address, tax identification
27 number, and any other information required by the department
28 of revenue.

29 (2) A description of the infrastructure, equipment, or
30 machinery being purchased and installed which is eligible for
31 the tax credit to be claimed on the taxpayer's tax return.

32 (3) The amount of the tax credit being claimed.

33 b. The department shall adopt rules establishing criteria
34 for the receipt of applications for electric or natural gas
35 vehicle facility tax credit certificates and the issuance of

LSB 1595HH (2) 85

-2-

da/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 267

1 those certificates. A tax credit certificate shall be issued
2 in the taxpayer's name and shall expire on or after the last
3 day of the taxable year for which the taxpayer is claiming the
4 tax credit. A tax credit certificate is nontransferable.

5 c. The aggregate amount of electric or natural gas vehicle
6 facility tax credit certificates that may be issued pursuant
7 to this section shall not exceed five million dollars for all
8 tax years that the tax credit is available under this section.
9 The department shall issue the tax credit certificates on a
10 first-come, first-served basis to qualified applicants.

11 5. An electric or natural gas vehicle facility is limited
12 to infrastructure, equipment, or machinery used to store,
13 dispense, dry, and meter compressed natural gas or electricity.
14 For compressed natural gas, it may include pipes, compressors,
15 dryers, or vaporizers. For electricity, it may include
16 charging equipment, infrastructure, or batteries.

17 6. The amount of the electric or natural gas vehicle
18 facility tax credit equals thirty percent of the total cost to
19 the taxpayer of purchasing the infrastructure, equipment, or
20 machinery and thirty percent of the total cost to the taxpayer
21 of installing the infrastructure, equipment, or machinery.

22 7. The electric or natural gas vehicle facility must comply
23 with any applicable federal and state standards and the latest
24 applicable and available ASTM international specifications.

25 8. The electric or natural gas vehicle facility tax credit
26 may be claimed by a person on an agricultural, commercial, or
27 residential basis as follows:

28 a. A person may claim the tax credit on an agricultural
29 basis if the electric or natural gas vehicle facility is
30 located on land primarily used in the production of a crop as
31 defined in section 202.1 or livestock as defined in section
32 717.1. The electric or natural gas vehicle facility must be
33 used by an agricultural producer as defined in section 15E.202
34 or a person under the management of the agricultural producer.
35 The tax credit must be taken in equal installments in three

LSB 1595HH (2) 85

-3-

da/sc

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 267

1 consecutive tax years, beginning with the tax year in which the
2 electric or natural gas vehicle facility is placed in service.
3 If any part of the electric or natural gas vehicle facility
4 is taken out of service and not immediately replaced, the tax
5 credit expires and the taxpayer cannot take any remaining
6 installment of the tax credit.

7 *b.* A person may claim the tax credit on a commercial basis
8 if the electric or natural gas vehicle facility is part of a
9 business selling qualified electricity or compressed natural
10 gas on a retail basis, or may claim the tax credit if the
11 electric or natural gas vehicle facility is used by a business
12 for its own vehicle fleet or employees. The tax credit must
13 be taken in equal installments in three consecutive tax years,
14 beginning with the tax year in which the electric or natural
15 gas vehicle facility is placed in service. If any part of
16 the electric or natural gas vehicle facility is taken out of
17 service and not immediately replaced, the tax credit expires
18 and the taxpayer cannot take any remaining installment of the
19 tax credit.

20 *c.* A person may claim the tax credit on a residential basis
21 only for an electric vehicle facility that is for personal,
22 family, or household use. The entire amount of the tax credit
23 must be claimed in the tax year in which the electric vehicle
24 facility is first placed in service.

25 9. Any tax credit in excess of the taxpayer's tax liability
26 shall be refunded. In lieu of claiming a refund, the taxpayer
27 may elect to have the overpayment shown on the retail dealer's
28 final, completed return credited to the tax liability for the
29 following tax year.

30 10. An individual may claim the tax credit allowed a
31 partnership, limited liability company, S corporation, estate,
32 or trust electing to have the income taxed directly to the
33 individual. The amount claimed by the individual shall be
34 based upon the pro rata share of the individual's earnings of
35 the partnership, limited liability company, S corporation,

LSB 1595HH (2) 85

-4-

da/sc

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 267

1 estate, or trust.

2 11. A person shall not claim a tax credit under this section
3 for an electric or natural gas vehicle facility that was placed
4 in service on or after January 1, 2016. However, a person
5 claiming the tax credit on an agricultural or commercial basis
6 who placed the electric or natural gas vehicle facility in
7 service prior to January 1, 2016, may continue to claim the tax
8 credit for tax years ending on or after January 1, 2016, as
9 provided in subsection 8, paragraph "a".

10 12. This section is repealed on January 1, 2020.

11 Sec. 3. Section 422.33, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 11. The taxes imposed under this division
14 shall be reduced by an electric or natural gas vehicle facility
15 tax credit for each tax year that the taxpayer is eligible to
16 claim the tax credit under this subsection.

17 a. The taxpayer must claim the tax credit on an agricultural
18 or commercial basis in the same manner as provided in section
19 422.11C. The taxpayer must claim the tax credit according
20 to the same requirements, for the same amount, and for the
21 same period as provided in section 422.11C. The amount of the
22 tax credit shall be calculated in the same manner as provided
23 in section 422.11C. A taxpayer claiming a tax credit on an
24 agricultural or commercial basis is subject to the same penalty
25 for taking the electric or natural gas vehicle facility out of
26 service as provided in section 422.11C.

27 b. This subsection is repealed on January 1, 2020.

28 Sec. 4. Section 422.35, Code 2013, is amended by adding the
29 following new subsection:

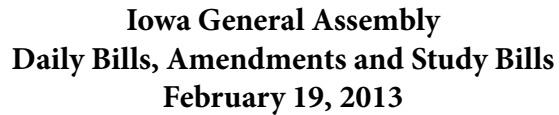
30 NEW SUBSECTION. 15. a. A taxpayer taking a depreciation
31 allowance under section 168 of the Internal Revenue Code for
32 property described in section 422.33, subsection 11, is not
33 allowed to take the allowance for purposes of this division
34 to the extent that a tax credit is taken for the purchase and
35 installation of the property under section 422.33, subsection

LSB 1595HH (2) 85

-5-

da/sc

5/7



1 11. If a credit is taken for the purchase and installation of
2 the property under section 422.33, subsection 11, the taxpayer
3 shall add the amount of the allowance taken on such property to
4 the extent of the amount of the credit.

15 *c.* This subsection is repealed on January 1, 2020.

18 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
19 retroactively to January 1, 2013, for tax years beginning on
20 or after that date.

22 This bill creates an electric or natural gas vehicle
23 facility tax credit for persons who construct, install, and
24 place in service an electric vehicle facility or a natural gas
25 vehicle facility. The amount of the tax credit is 30 percent
26 of the total cost of purchasing and of installing the facility.
27 A person may claim the tax credit on an agricultural (farmer),
28 commercial (business), or residential (personal, family, or
29 household) basis. A person claiming the tax credit on an
30 agricultural or commercial basis may claim the tax credit for
31 the installation of an electric or natural gas facility. The
32 person must claim one-third of the tax credit for each of three
33 tax years. A person claiming the tax credit on a residential
34 basis may claim the tax credit for the installation of an
35 electronic facility. The person must claim the tax credit in

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 267

1 the tax year in which the electronic vehicle service was first
2 placed in service. Any tax credit in excess of the taxpayer's
3 tax liability is refundable or may be used in calculating a
4 future tax liability.

5 The taxpayer must place the facility in service before
6 January 1, 2016, but those taxpayers claiming on an
7 agricultural or commercial basis may claim the tax credit for a
8 previous installation after that date.

9 The tax credit applies retroactively to tax years beginning
10 on and after January 1, 2013. The bill's provisions are
11 repealed on January 1, 2020. The bill takes effect upon
12 enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House File 268 - Introduced

HOUSE FILE 268
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 11)

A BILL FOR

1 An Act eliminating the Iowa smart planning principles and other
2 local comprehensive planning and development guidelines.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1346HV (1) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 268

1 Section 1. Section 16.194A, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. A city or county in this state ~~that applies the smart~~
4 ~~planning principles and guidelines pursuant to sections~~
5 ~~18B.1 and 18B.2~~ may submit an application to the Iowa jobs
6 board for financial assistance for a local infrastructure
7 competitive grant for an eligible project under the program,
8 notwithstanding any limitation on the state's percentage in
9 funding as contained in section 29C.6, subsection 17.

10 Sec. 2. Section 28I.4, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. The commission shall have the power and duty to make
13 comprehensive studies and plans for the development of the
14 area it serves which will guide the unified development of
15 the area and which will eliminate planning duplication and
16 promote economy and efficiency in the coordinated development
17 of the area and the general welfare, convenience, safety, and
18 prosperity of its people. The plan or plans collectively
19 shall be known as the regional or metropolitan development
20 plan. The plans for the development of the area may include
21 but shall not be limited to recommendations with respect to
22 existing and proposed highways, bridges, airports, streets,
23 parks and recreational areas, schools and public institutions
24 and public utilities, public open spaces, and sites for public
25 buildings and structures; districts for residence, business,
26 industry, recreation, agriculture, and forestry; water supply,
27 sanitation, drainage, protection against floods and other
28 disasters; areas for housing developments, slum clearance
29 and urban renewal and redevelopment; location of private
30 and public utilities, including but not limited to sewerage
31 and water supply systems; and such other recommendations
32 concerning current and impending problems as may affect the
33 area served by the commission. Time and priority schedules and
34 cost estimates for the accomplishment of the recommendations
35 may also be included in the plans. ~~The plans shall be made~~

LSB 1346HV (1) 85

-1-

md/sc

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 268

~~1 with consideration of the smart planning principles under~~
2 ~~section 18B.1.~~ The plans shall be based upon and include
3 appropriate studies of the location and extent of present
4 and anticipated populations; social, physical, and economic
5 resources, problems and trends; and governmental conditions and
6 trends. The commission is also authorized to make surveys,
7 land-use studies, and urban renewal plans, provide technical
8 services and other planning work for the area it serves and
9 for cities, counties, and other political subdivisions in the
10 area. A plan or plans of the commission may be adopted, added
11 to, and changed from time to time by a majority vote of the
12 planning commission. The plan or plans may in whole or in part
13 be adopted by the governing bodies of the cooperating cities
14 and counties as the general plans of such cities and counties.
15 The commission may also assist the governing bodies and other
16 public authorities or agencies within the area it serves
17 in carrying out any regional plan or plans, and assist any
18 planning commission, board or agency of the cities and counties
19 and political subdivisions in the preparation or effectuation
20 of local plans and planning consistent with the program of the
21 commission. The commission may cooperate and confer, as far as
22 possible, with planning agencies of other states or of regional
23 groups of states adjoining its area.

24 Sec. 3. Section 329.3, Code 2013, is amended to read as
25 follows:

26 **329.3 Zoning regulations — powers granted.**

27 Every municipality having an airport hazard area within
28 its territorial limits may adopt, administer, and enforce
29 in the manner and upon the conditions prescribed by this
30 chapter, zoning regulations for such airport hazard area,
31 which regulations may divide such area into zones and, within
32 such zones, specify the land uses permitted, and regulate
33 and restrict, for the purpose of preventing airport hazards,
34 the height to which structures and trees may be erected or
35 permitted to grow. ~~Regulations adopted under this chapter~~

LSB 1346HV (1) 85
md/sc

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. 268

1 ~~shall be made with consideration of the smart planning~~
2 ~~principles under section 18B.1.~~

3 Sec. 4. Section 335.5, subsection 3, Code 2013, is amended
4 by striking the subsection.

5 Sec. 5. Section 414.3, subsection 3, Code 2013, is amended
6 by striking the subsection.

7 Sec. 6. REPEAL. Chapter 18B, Code 2013, is repealed.

8 EXPLANATION

9 Current Code section 18B.1 enumerates the Iowa smart
10 planning principles. The Iowa smart planning principles are 10
11 principles that state agencies, local governments, and other
12 public entities are required to consider and may apply during
13 deliberation of all appropriate planning, zoning, development,
14 and resource management decisions. Code section 18B.2 requires
15 a city or county, when developing or amending a comprehensive
16 plan under Code chapter 335 or 414 or when developing or
17 amending other local land development regulations, to consider
18 the smart planning principles under Code section 18B.1 and
19 authorizes such city or county to include specified additional
20 types of objective or program information concerning the action
21 being taken by the city or county. This bill repeals Code
22 sections 18B.1 and 18B.2 and makes corresponding changes to
23 other provisions of the Code.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Resolution 17 - Introduced

HOUSE RESOLUTION NO. 17

BY M. SMITH, OLDSON, H. MILLER, T. OLSON,
RUNNING-MARQUARDT, RIDING, FORBES, KELLEY,
HUNTER, MUHLBAUER, GAINES, STECKMAN, WOOD,
JACOBY, PRICHARD, STAED, COHOON, LYKAM, LENSING,
WESSEL-KROESCHELL, ABDUL-SAMAD, STUTSMAN, DUNKEL,
ANDERSON, THEDE, LUNDBY, KEARNS, RUFF, THOMAS,
HALL, OURTH, BEARINGER, WOLFE, KAJTAZOVIC, KRESSIG,
WINCKLER, HEDDENS, T. TAYLOR, MASCHER, MCCARTHY,
GASKILL, HANSON, DAWSON, ISENHART, KOESTER,
GRASSLEY, LOFGREN, and HEATON

1 A Resolution honoring United States Senator Thomas
2 Richard "Tom" Harkin for four decades of public
3 service.

4 WHEREAS, Thomas Richard "Tom" Harkin was born in
5 Cumming, Iowa, in 1939, one of six children born to
6 an Iowa coal miner father and a Slovenian immigrant
7 mother; and

8 WHEREAS, Senator Harkin graduated from Dowling
9 High School, Iowa State University, and the Catholic
10 University of America's Columbus School of Law; and

11 WHEREAS, Senator Harkin served in the United States
12 Navy as an active-duty jet pilot from 1962 to 1967, and
13 went on to serve in the reserves, retiring in 1989 with
14 the rank of commander; and

15 WHEREAS, Senator Harkin began his Congressional
16 career in 1974, winning election to the House of
17 Representatives, a seat which he held for the next
18 decade; and

19 WHEREAS, in 1984 Senator Harkin was elected to the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.R. 17

1 Senate, where he has continued his career in public
2 service; and

3 WHEREAS, over four decades Senator Harkin has
4 authored numerous laws that have improved the lives of
5 Iowans and all people of the United States, working
6 tirelessly in service to the young, the impoverished,
7 and the disadvantaged; and

8 WHEREAS, Senator Harkin introduced the Americans
9 with Disabilities Act into the Senate and shepherded
10 the bill into enactment in 1990 — a bill which could
11 be described as landmark legislation that prohibits
12 discrimination based on disability, requires buildings
13 and transportation to be wheelchair accessible, and
14 requires workplace accommodations for people with
15 disabilities; and

16 WHEREAS, Senator Harkin has worked to protect
17 children throughout his career, including by protecting
18 children from child labor and exploitation such as his
19 recent efforts at exposing child labor conditions in
20 cocoa production; and

21 WHEREAS, as past Chair of the Senate Agriculture
22 Committee, Senator Harkin authored the last two
23 farm bills which advance nutrition and conservation
24 efforts and have aided Iowa in becoming a producer of
25 agricultural products to the world; and

26 WHEREAS, Senator Harkin is the Chair of the Senate
27 Committee on Health, Education, Labor, and Pensions,
28 where he has sought improvement of the health,
29 well-being, and financial security of all Iowans and
30 the people of the United States; and

LSB 2152HH (5) 85

-2-

jr/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.R. 17

1 WHEREAS, throughout his career, Senator Harkin has
2 enjoyed the dedication and support of his wife, Ruth,
3 and daughters, Amy and Jenny; NOW THEREFORE,

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
5 That the House of Representatives honors United States
6 Senator Thomas Richard "Tom" Harkin for four decades of
7 public service and achievement; and

8 BE IT FURTHER RESOLVED, That on the announcement of
9 his retirement, the House of Representatives wishes the
10 Senator, his wife, Ruth, and daughters, Amy and Jenny,
11 the best in the years to come.

LSB 2152HH (5) 85

-3-

jr/nh

3/3



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013**

House Resolution 18 - Introduced

HOUSE RESOLUTION NO. 18

BY KRESSIG

1 A Resolution encouraging the United States Department
2 of Defense to include the names of the fallen
3 sailors of the destroyer USS Frank E. Evans (DD-754)
4 on the Vietnam Veterans Memorial.
5 WHEREAS, on March 29, 1969, the officers and men
6 of USS Frank E. Evans (DD-754) departed Long Beach,
7 California, for the Western Pacific to carry out the
8 operational orders of their Commander in Chief during a
9 time of war with North Vietnam; and
10 WHEREAS, on June 3, 1969, USS Frank E. Evans
11 (DD-754), while on an allied naval exercise during the
12 Vietnam War, collided with the Australian aircraft
13 carrier, HMAS Melbourne (R-21) in the South China Sea,
14 near the coast of Vietnam; and
15 WHEREAS, the collision severed the ship into two
16 sections, with the forward section sinking in less
17 than three minutes, taking the lives of 74 American
18 sailors; and
19 WHEREAS, members of the United States Armed Forces
20 who died during the Vietnam War have been memorialized
21 by placing their names on the Vietnam Veterans Memorial
22 in Washington, D.C., if they died within the combat
23 zone; and
24 WHEREAS, the United States Department of Defense
25 maintains the men who died as a result of the USS Frank
26 E. Evans (DD-754) collision do not meet the criteria
27 for inclusion on the Vietnam Veterans Memorial since
28 the accident occurred outside the combat zone, and

LSB 1696HH (3) 85

-1- jr/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.R. 18

1 continues to deny the placement of the names of the
2 lost 74 sailors on the memorial; and

3 WHEREAS, the Vietnam War combat zone boundaries were
4 ill defined and have been changed from time to time,
5 and should not be the defining reason to exclude the
6 names of the lost sailors from the Vietnam Veterans
7 Memorial; and

8 WHEREAS, other members of the United States Armed
9 Forces who died outside the Vietnam War combat zone
10 have had their names placed on the Vietnam Veterans
11 Memorial; NOW THEREFORE,

12 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
13 the names of the 74 sailors from USS Frank E. Evans
14 (DD-754) should be included on the Vietnam Veterans
15 Memorial, and that the House of Representatives fully
16 supports an immediate favorable decision by the United
17 States Department of Defense to make an exception to
18 its criteria and include those names on the Vietnam
19 Veterans Memorial.

LSB 1696HH (3) 85

-2- jr/nh

2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Resolution 19 - Introduced

HOUSE RESOLUTION NO. 19

BY KELLEY

1 A Resolution to recognize the efforts of Patriot
2 Outreach, Inc., in supporting Iowa's veterans and
3 their families.

4 WHEREAS, our nation was founded on the principles of
5 liberty, opportunity, and justice for all, principles
6 which the men and women of our armed forces have
7 valiantly defended throughout our nation's history; and

8 WHEREAS, thousands of Iowans have proudly served in
9 the armed forces, and by answering the call of duty
10 risked their lives in response to combat, peacekeeping
11 missions, rescue operations, and humanitarian relief
12 efforts; and

13 WHEREAS, mental health is essential to everyone's
14 overall health and well-being; and

15 WHEREAS, our brave soldier-citizens face significant
16 challenges in readjusting from the stress of combat to
17 their civilian lives, and family members experience
18 emotional challenges coping with a loved one in
19 danger; and

20 WHEREAS, Patriot Outreach, Inc., a nonprofit
21 organization, founded in the city of Davenport, Iowa,
22 has provided simple, effective, nonintrusive support,
23 designed to bridge the gap between those who seek help
24 and the silent majority who avoid the stigma of seeking
25 assistance; and

26 WHEREAS, Patriot Outreach, Inc., has provided
27 thousands of "Coping Strategies" compact disks and has
28 provided downloads to all branches of the armed forces,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.R. 19

1 veterans, first responders, government civilians,
2 battlefield contractors, and their families; and

3 WHEREAS, these requests do pay tribute to the
4 testimonials attesting to their effectiveness in
5 combating anger, stress, pain, and even posttraumatic
6 stress disorder; NOW THEREFORE,

7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
8 the House of Representatives recognizes all volunteer
9 organizations that are dedicated to helping the men and
10 women who have served our country, including Patriot
11 Outreach, Inc., and encourage more Iowans to volunteer
12 their services in support of Iowa's veterans and their
13 families.

LSB 2333YH (2) 85

-2- jr/rj

2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Study Bill 154 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act specifying notice of right to cure provisions applicable
2 to a closed credit card account.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2186YC (1) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 Section 1. Section 537.5110, subsection 2, paragraph a,
2 Code 2013, is amended to read as follows:

3 a. A creditor who believes in good faith that a consumer is
4 in default may give the consumer written notice of the alleged
5 default, and, if the consumer has a right to cure the default,
6 shall give the consumer the notice of right to cure provided
7 in section 537.5111 before commencing any legal action in any
8 court on an obligation of the consumer and before repossessing
9 collateral. If the obligation is a credit card account that
10 has been closed, in lieu of giving the notice of right to cure
11 provided in section 537.5111, the creditor shall give the
12 notice of right to cure provided in section 537.5112 before
13 commencing any legal action in any court on the obligation of
14 the consumer. However, this subsection and subsection 4 do
15 not require a creditor to give notice of right to cure prior
16 to the filing of a petition by a creditor seeking to enforce
17 the consumer's obligation in which attachment under chapter 639
18 is sought upon any of the grounds specified in section 639.3,
19 subsections 3 to 12.

20 Sec. 2. Section 537.5110, subsection 4, paragraph c, Code
21 2013, is amended to read as follows:

22 c. Until the expiration of the minimum applicable period
23 after the notice is given, the consumer may cure the default by
24 tendering either the amount of all unpaid installments due at
25 the time of the tender, without acceleration, plus any unpaid
26 delinquency or deferral charges, or the amount stated in the
27 notice of right to cure, whichever is less, or by tendering any
28 performance necessary to cure any default other than nonpayment
29 of amounts due, which is described in the notice of right to
30 cure. The Unless the obligation in default is a credit card
31 account that has been closed, the act of curing a default
32 restores to the consumer the consumer's rights under the
33 agreement as though no default had occurred, except as provided
34 in subsection 3.

35 Sec. 3. NEW SECTION. 537.5112 Notice of right to cure —

LSB 2186YC (1) 85

-1-

rn/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 **closed credit card accounts.**

2 1. The notice of right to cure an obligation in default
3 on a closed credit card account shall be in writing and
4 shall conspicuously state the name, address, and telephone
5 number of the creditor to which payment is to be made, a
6 brief identification of the credit transaction and of the
7 consumer's right to cure the default, a statement of the nature
8 of the right to cure the default, a statement of the nature
9 of the alleged default, a statement of the total payment,
10 including an itemization of any delinquency or deferral
11 charges imposed after the credit card account was closed,
12 any legally authorized collection costs or attorney fees, or
13 other performance necessary to cure the alleged default, and
14 the exact date by which the amount must be paid or performance
15 tendered.

16 2. A notice in substantially the following form complies
17 with this section:

18

19 (name, address, and telephone number of creditor)

20

21 (account number, if any)

22

23 (brief identification of credit transaction)

24 You are now in default on this credit transaction. You have a
25 right to correct this default until ... (date). Your default
26 consists of

27

28 (describe default alleged)

29 Correction of the default: Before ..., (date)

30

31 (describe the acts necessary for cure)

32 If you do not correct your default by the date stated
33 above, we may exercise rights against you under the law.

34 If we arrange for installment payments with you to satisfy
35 this debt and you default on one or more of the installment

LSB 2186YC (1) 85

-2-

rn/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 payments within the next year, we may exercise our rights
2 without sending you another notice like this one. If you have
3 questions, write or telephone promptly.

4

5 (the creditor)

6 3. A creditor gives notice to the consumer under this part
7 when the creditor delivers the notice to the consumer or mails
8 the notice to the consumer at the consumer's residence as
9 defined in section 537.1201, subsection 4.

10 Sec. 4. Section 537.5201, subsection 1, paragraph a,
11 subparagraph (26), Code 2013, is amended to read as follows:

12 (26) Failure to provide a proper notice of cure or right to
13 cure under sections 537.5110, and 537.5111, or 537.5112.

14 EXPLANATION

15 This bill specifies notice of right to cure provisions
16 applicable to a credit card account that has been closed.

17 The bill provides notice of right to cure provisions
18 contained in new Code section 537.5112 that will apply to
19 closed credit card accounts, which are similar to general
20 notice of right to cure provisions contained in Code section
21 537.5111 requiring a creditor to provide specified information
22 to a consumer in a specified format in connection with a credit
23 transaction in default.

24 The new Code section differs from the general provisions
25 in requiring the notice to include an itemization of any
26 attorney fees applicable to the defaulted account, and by
27 providing a statement that if the creditor arranges for
28 installment payments with the consumer to satisfy the debt
29 and the consumer defaults on one or more of the installment
30 payments within the next year, the creditor may exercise their
31 rights without sending the consumer another notice of right to
32 cure. Additionally, the notice states that if the consumer has
33 questions, the consumer should write or telephone the creditor
34 promptly.

35 The bill makes conforming changes reflecting the distinction

LSB 2186YC (1) 85

-3-

rn/sc

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 between a credit transaction on an open account and a closed
2 credit card account.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Study Bill 155 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the placement of a juvenile on youthful
2 offender status and the prosecution of a juvenile in
3 juvenile or district court, and access to child abuse
4 records by a juvenile court intake officer.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1117YC (5) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 Section 1. Section 232.8, subsection 1, paragraph c, Code
2 2013, is amended to read as follows:
3 c. Violations by a child, aged sixteen or older, which
4 subject the child to the provisions of section 124.401,
5 subsection 1, paragraph "e" or "f", or violations of section
6 723A.2 which involve a violation of chapter 724, or violation
7 of chapter 724 which constitutes a felony, or violations
8 which constitute a forcible felony are excluded from the
9 jurisdiction of the juvenile court and shall be prosecuted as
10 otherwise provided by law unless the district court transfers
11 jurisdiction of the child to the juvenile court upon motion
12 and for good cause pursuant to section 803.6. ~~A child over~~
13 ~~whom jurisdiction has not been transferred to the juvenile~~
14 ~~court, and who is convicted of a violation excluded from the~~
15 ~~jurisdiction of the juvenile court under this paragraph,~~
16 ~~shall be sentenced pursuant to section 124.401B, 902.9, or~~
17 ~~903.1.~~ Notwithstanding any other provision of the Code to
18 the contrary, the district court may accept from a child in
19 district court a plea of guilty, or may instruct the jury
20 on a lesser included offense to the offense excluded from
21 the jurisdiction of the juvenile court under this ~~section~~
22 paragraph, in the same manner as regarding an adult. The
23 judgment and sentence of a child in district court shall be as
24 provided in section 901.5. However, the juvenile court shall
25 have exclusive original jurisdiction in a proceeding concerning
26 an offense of animal torture as provided in section 717B.3A
27 alleged to have been committed by a child under the age of
28 seventeen.
29 Sec. 2. Section 232.8, subsection 3, paragraph a, Code 2013,
30 is amended to read as follows:
31 a. The juvenile court, after a hearing and in accordance
32 with the provisions of section 232.45, may waive jurisdiction
33 of a child alleged to have committed a public offense so that
34 the child may be prosecuted as an adult or youthful offender
35 for such offense in another court. ~~If the child, except a~~

LSB 1117YC (5) 85

-1-

jm/rj

1/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 ~~child being prosecuted as a youthful offender,~~ pleads guilty
2 or is found guilty of a public offense other than a class
3 "A" felony in another court of this state, that court may
4 suspend the sentence or, with the consent of the child, defer
5 judgment or sentence and, without regard to restrictions placed
6 upon deferred judgments or sentences for adults, place the
7 child on probation for a period of not less than one year
8 upon such conditions as it may require. Upon fulfillment of
9 the conditions of probation, a child who receives a deferred
10 judgment shall be discharged without entry of judgment. A
11 child prosecuted as a youthful offender shall be sentenced
12 pursuant to section 907.3A.

13 Sec. 3. Section 232.28, subsection 3, paragraph b, Code
14 2013, is amended to read as follows:

15 b. Check existing records of the court, law enforcement
16 agencies, and public records of other agencies, and child abuse
17 records as provided in section 235A.15, subsection 2, paragraph
18 "e".

19 Sec. 4. Section 232.45, subsection 6, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:

21 At the conclusion of the waiver hearing the court may waive
22 its jurisdiction over the child for the alleged commission of
23 the public offense for the purpose of prosecution of the child
24 as an adult if all of the following apply:

25 Sec. 5. Section 232.45, subsection 7, paragraph a,
26 subparagraph (1), Code 2013, is amended to read as follows:

27 (1) The child is twelve through fifteen years of age or
28 younger the child is ten or eleven years of age and has been
29 charged with a public offense that would be classified as a
30 class "A" felony if committed by an adult.

31 Sec. 6. Section 232.45A, subsections 2 and 3, Code 2013, are
32 amended to read as follows:

33 2. Once a child sixteen years of age or older has been
34 ~~waived to and convicted of an aggravated misdemeanor or a~~
35 ~~felony in~~ by the juvenile court to the district court, all

LSB 1117YC (5) 85

-2-

jm/rj

2/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 subsequent criminal proceedings against the child for any
2 aggravated misdemeanor or felony occurring subsequent to
3 the date of the conviction of the child for any delinquent
4 act committed after the date of the waiver by the juvenile
5 court shall begin in district court, notwithstanding sections
6 232.8 and 232.45. A copy of the findings required by section
7 232.45, subsection 10, shall be made a part of the record
8 in the district court proceedings. However, upon acquittal
9 or dismissal in district court of all waived offenses and
10 all lesser included offenses of the waived offenses, the
11 proceedings for any delinquent act committed by the child
12 subsequent to such acquittal or dismissal shall begin in
13 juvenile court. Any proceedings initiated in district court
14 for a public offense committed by the child subsequent to the
15 waiver by the juvenile court, but prior to any acquittal or
16 dismissal of all waived offenses and lesser included offenses
17 in district court, shall remain in district court.

18 3. If proceedings against a child ~~for an aggravated~~
19 ~~misdemeanor or a felony~~ sixteen years of age or older who
20 has previously been waived to and ~~convicted of an aggravated~~
21 ~~misdemeanor or a felony in the district court~~ are mistakenly
22 begun in the juvenile court, the matter shall be transferred
23 to district court upon the discovery of the prior waiver and
24 conviction, notwithstanding sections 232.8 and 232.45.

25 Sec. 7. Section 232.50, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. As soon as practicable following the entry of an order of
28 adjudication pursuant to section 232.47 or notification that
29 the child has ~~received a youthful offender deferred sentence~~
30 been placed on youthful offender status pursuant to section
31 907.3A, the court shall hold a dispositional hearing in order
32 to determine what disposition should be made of the matter.

33 Sec. 8. Section 232.52, subsection 1, Code 2013, is amended
34 to read as follows:

35 1. Pursuant to a hearing as provided in section 232.50, the

LSB 1117YC (5) 85

-3-

jm/rj

3/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 court shall enter the least restrictive dispositional order
2 appropriate in view of the seriousness of the delinquent act,
3 the child's culpability as indicated by the circumstances of
4 the particular case, the age of the child, the child's prior
5 record, or the fact that the child has ~~received a youthful~~
6 ~~offender deferred sentence~~ been placed on youthful offender
7 status under section 907.3A. The order shall specify the
8 duration and the nature of the disposition, including the type
9 of residence or confinement ordered and the individual, agency,
10 department, or facility in ~~whom~~ which custody is vested. In
11 the case of a child who has ~~received a youthful offender~~
12 ~~deferred sentence~~ been placed on youthful offender status, the
13 initial duration of the dispositional order shall be until the
14 child reaches the age of eighteen.

15 Sec. 9. Section 232.54, subsection 1, paragraph g, Code
16 2013, is amended to read as follows:

17 g. With respect to a juvenile court dispositional order
18 entered regarding a child who has ~~received a youthful offender~~
19 ~~deferred sentence~~ been placed on youthful offender status under
20 section 907.3A, the dispositional order may be terminated
21 prior to the child reaching the age of eighteen upon motion
22 of the child, the person or agency to whom custody of the
23 child has been transferred, or the county attorney following
24 a hearing before the juvenile court if it is shown by clear
25 and convincing evidence that it is in the best interests of
26 the child and the community to terminate the order. The
27 hearing may be waived if all parties to the proceeding
28 agree. The dispositional order regarding a child who has
29 ~~received a youthful offender deferred sentence~~ been placed on
30 youthful offender status may also be terminated prior to the
31 child reaching the age of eighteen upon motion of the county
32 attorney, if the waiver of the child to district court was
33 conditioned upon the terms of an agreement between the county
34 attorney and the child, and the child violates the terms of
35 the agreement after the waiver order has been entered. The

LSB 1117YC (5) 85

-4-

jm/rj

4/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 district court shall discharge the child's youthful offender
2 status upon receiving a termination order under this section.

3 Sec. 10. Section 232.54, subsection 1, paragraph h,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

6 With respect to a dispositional order entered regarding a
7 child who has ~~received a youthful offender deferred sentence~~
8 been placed on youthful offender status under section 907.3A,
9 the juvenile court may, in the case of a child who violates the
10 terms of the order, modify or terminate the order in accordance
11 with the following:

12 Sec. 11. Section 232.55, subsection 3, Code 2013, is amended
13 to read as follows:

14 3. This section does not apply to dispositional orders
15 entered regarding a child who has ~~received a youthful offender~~
16 ~~deferred sentence~~ been placed on youthful offender status under
17 section 907.3A who is not discharged from probation before or
18 upon the child's eighteenth birthday.

19 Sec. 12. Section 232.56, Code 2013, is amended to read as
20 follows:

21 **232.56 Youthful offenders — transfer to district court**
22 **supervision.**

23 The juvenile court shall deliver a report, which includes
24 an assessment of the child by a juvenile court officer
25 after consulting with the judicial district department of
26 correctional services, to the district court prior to the
27 eighteenth birthday of a child who has ~~received a youthful~~
28 ~~offender deferred sentence~~ been placed on youthful offender
29 status under section 907.3A. A hearing shall be held in
30 the district court in accordance with section 907.3A to
31 determine whether the child should be discharged from youthful
32 offender status or whether the child shall continue under the
33 supervision of the district court after the child's eighteenth
34 birthday.

35 Sec. 13. Section 235A.15, subsection 2, paragraph e, Code

LSB 1117YC (5) 85

-5-

jm/rj

5/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 2013, is amended by adding the following new subparagraph:

2 NEW SUBPARAGRAPH. (24) To an intake officer making a
3 preliminary inquiry pursuant to section 232.28, subsection 3.

4 Sec. 14. Section 901.5, Code 2013, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 14. Notwithstanding any provision in
7 section 907.3 or any other provision of law prescribing a
8 mandatory minimum sentence for the offense, if the defendant
9 is guilty of a public offense other than a class "A" felony,
10 and was under the age of eighteen at the time the offense was
11 committed, the court may suspend the sentence in whole or in
12 part, including any mandatory minimum sentence, or with the
13 consent of the defendant, defer judgment or sentence, and place
14 the defendant on probation upon such conditions as the court
15 may require.

16 Sec. 15. Section 907.3A, Code 2013, is amended to read as
17 follows:

18 **907.3A Youthful offender deferred sentence — youthful**
19 **offender status.**

20 1. Notwithstanding section 907.3 but subject to any
21 conditions of the waiver order, the trial court shall, upon
22 a plea of guilty or a verdict of guilty, ~~defer sentence of a~~
23 ~~youthful offender~~ place the juvenile over whom the juvenile
24 court has waived jurisdiction pursuant to section 232.45,
25 subsection 7, ~~and place the juvenile~~ on youthful offender
26 status. The court shall transfer supervision of the youthful
27 offender to the juvenile court for disposition in accordance
28 with section 232.52. An adjudication of delinquency entered
29 by the juvenile court at disposition for a public offense
30 shall not be deemed a conviction and shall not preclude
31 the subsequent entry of a deferred judgment or sentence,
32 conviction, or sentence by the district court. The court shall
33 require supervision of the youthful offender in accordance with
34 section 232.54, subsection 1, paragraph "h", or subsection 2
35 of this section. ~~Notwithstanding section 901.2, a presentence~~

LSB 1117YC (5) 85

-6-

jm/rj

6/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 ~~investigation shall not be ordered by the court subsequent to~~
2 ~~an entry of a plea of guilty or verdict of guilty or prior to~~
3 ~~deferral of sentence of a youthful offender under this section.~~
4 2. The court shall hold a hearing prior to a youthful
5 offender's eighteenth birthday to determine whether the
6 youthful offender shall continue on youthful offender status
7 after the youthful offender's eighteenth birthday ~~under the~~
8 ~~supervision of the court or be discharged.~~ Notwithstanding
9 section 901.2, the court may order a presentence investigation
10 report including a report for an offense classified as a class
11 "A" felony. The court shall review the report of the juvenile
12 court regarding the youthful offender and prepared pursuant to
13 section 232.56, and any presentence investigation report, if
14 ordered by the court. The court shall hear evidence by or on
15 behalf of the youthful offender, by the county attorney, and
16 by the person or agency to whom which custody of the youthful
17 offender was transferred. The court shall make its decision,
18 pursuant to the judgment and sentencing options available in
19 subsection 3, after considering the services available to the
20 youthful offender, the evidence presented, the juvenile court's
21 report, the presentence investigation report if ordered by the
22 court, the interests of the youthful offender, and interests
23 of the community.
24 3. a. Notwithstanding any provision of the Code which
25 prescribes a mandatory minimum sentence for the offense
26 committed by the youthful offender, following transfer of the
27 youthful offender from the juvenile court back to the court
28 having jurisdiction over the criminal proceedings involving the
29 youthful offender, the court ~~may continue the youthful offender~~
30 ~~deferred sentence or enter a sentence, which may be a suspended~~
31 ~~sentence.~~ shall order one of the following sentencing options:
32 (1) Defer judgment and place the youthful offender on
33 probation, upon the consent of the youthful offender.
34 (2) Defer the sentence and place the youthful offender
35 on probation upon such terms and conditions as the court may

LSB 1117YC (5) 85

-7-

jm/rj

7/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 require.

2 (3) Suspend the sentence and place the youthful offender
3 on probation upon such terms and conditions as the court may
4 require.

5 (4) A term of confinement.

6 (5) Discharge the youthful offender from youthful offender
7 status and terminate the sentence.

8 b. Notwithstanding anything in section 907.7 to the
9 contrary, if the district court ~~either~~ grants the youthful
10 offender a deferred judgment, continues the youthful offender
11 deferred sentence, or enters a sentence, and suspends the
12 sentence, and places the youthful offender on probation, the
13 term of formal supervision shall commence upon entry of the
14 order by the district court and may continue for a period not
15 to exceed five years. If the district court enters a sentence
16 of confinement, and the youthful offender was previously placed
17 in secure confinement by the juvenile court under the terms
18 of the initial disposition order or any modification to the
19 initial disposition order, the person shall receive credit for
20 any time spent in secure confinement. During any period of
21 probation imposed by the district court, a youthful offender
22 who violates the terms of probation is subject to section
23 908.11.

24 EXPLANATION

25 This bill relates to the judgment and sentencing procedures
26 for juveniles who are either excluded from juvenile court
27 jurisdiction by operation of law or who may be waived to adult
28 court, and to juvenile court intake officer access to certain
29 records. The bill also modifies the procedures relating to
30 placement of a juvenile on youthful offender status by the
31 district court.

32 Under the bill, when a complaint is filed pursuant to Code
33 section 232.28 that a juvenile has committed a delinquent act,
34 the juvenile court intake officer making a preliminary inquiry
35 into the complaint shall be granted access to report data and

LSB 1117YC (5) 85

jm/rj

8/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 disposition data for cases of founded child abuse relating to
2 the juvenile who is the subject of the complaint. "Report
3 data" and "disposition data" are defined in Code section
4 235A.13.

5 Current law provides that if a child who has committed
6 a delinquent act is over 14 years of age and certain other
7 circumstances apply the child may be waived from juvenile
8 to district court for prosecution as an adult. Children 15
9 years of age or younger who commit certain felony offenses may
10 also currently be waived to district court for purposes of
11 prosecution as a youthful offender.

12 A youthful offender who has been waived from juvenile court
13 for purposes of prosecution in district court is, after a
14 guilty plea or conviction, transferred by the district court
15 for disposition and supervision by juvenile court until the
16 age of 18. Upon the youthful offender attaining the age of
17 18, under current law, the district court is required to hold
18 a hearing regarding the youthful offender's status and has
19 discretion to discharge the youthful offender or continue
20 supervision of the youthful offender in district court as
21 provided in Code section 907.3A.

22 The bill redefines when a child may be considered for
23 youthful offender prosecution and sentencing. The bill limits
24 use of the option to situations in which the child is 12
25 through 15 years of age and has committed offenses which would
26 be less than a class "A" felony if committed by an adult. For
27 offenses which would be classified as a class "A" felony, the
28 bill permits children who are 10 or 11 years of age to also be
29 prosecuted and sentenced as a youthful offender.

30 The bill standardizes the sentencing options and procedures
31 for a juvenile who is prosecuted as an adult either because
32 the offense is excluded from juvenile court jurisdiction or
33 because the juvenile is waived to district court, and for any
34 juvenile prosecuted as a youthful offender upon the youthful
35 offender attaining the age of 18. The bill provides that once

LSB 1117YC (5) 85

-9-

jm/rj

9/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 a juvenile has been waived to district court for prosecution
2 as an adult and convicted, all subsequent proceedings for any
3 delinquent act committed by that juvenile are to be commenced
4 in district court. The bill further provides that if a
5 juvenile has been waived to district court for prosecution as
6 an adult but is not convicted, subsequent proceedings for any
7 delinquent act committed by that juvenile are to be commenced
8 in juvenile court. The bill also allows the district court to
9 defer judgment, defer sentence, suspend a sentence and place
10 the juvenile or youthful offender on probation upon such terms
11 and conditions as the court may require, even if those options
12 are not available to adults for the offense. Current law
13 limits the sentencing options for certain offenses that are
14 excluded from juvenile court jurisdiction and does not allow
15 the district court to defer the sentence of a juvenile who has
16 been waived to district court pursuant to Code section 232.45
17 for prosecution as an adult or youthful offender.

18 Under the bill and in current law, upon the youthful
19 offender attaining the age of 18, the district court retains
20 the power to defer the sentence and place the youthful offender
21 on probation; sentence the youthful offender to a term of
22 confinement, or terminate the order placing the youthful
23 offender on youthful offender status and discharge the youthful
24 offender.

25 A "deferred judgment" means a sentencing option where the
26 adjudication of guilt and the imposition of a sentence are
27 deferred by the court. However, the court retains the power
28 to pronounce judgment and impose sentence subject to the
29 defendant's compliance with conditions set by the court as a
30 requirement of the deferred judgment.

31 A "deferred sentence" means a sentencing option where the
32 court enters an adjudication of guilt but does not impose a
33 sentence. The court does retain the power to sentence the
34 defendant to any sentence it originally could have imposed
35 subject to the defendant's compliance with conditions set by

LSB 1117YC (5) 85

-10-

jm/rj

10/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 the court as a requirement of the deferred sentence.
2 A "suspended sentence" means a sentencing option whereby
3 the court pronounces judgment and imposes a sentence and then
4 suspends execution of the sentence subject to the defendant's
5 compliance with conditions set by the court as a requirement of
6 the suspended sentence. Revocation of the suspended sentence
7 results in the execution of the sentence already pronounced.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Study Bill 156 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON HANUSA)

A BILL FOR

- 1 An Act creating the manufactured housing program fund.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1851HC (2) 85
av/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 Section 1. NEW SECTION. 16.100B Manufactured housing
2 program fund.

3 1. A manufactured housing program fund is created within the
4 authority to further the goal of providing affordable housing
5 to Iowans. The moneys in the fund are annually appropriated to
6 the authority for the purpose of providing funding to financing
7 agents or financial institutions to finance the purchase by
8 an individual of a manufactured home that is in compliance
9 with all laws, rules, and standards that are applicable to
10 manufactured homes and manufactured housing.

11 2. Moneys received by the authority for the manufactured
12 housing program fund, transferred by the authority for deposit
13 in the fund, appropriated to the fund, and any other moneys
14 available to and obtained or accepted by the authority for
15 placement in the fund shall be deposited in the fund and are
16 appropriated to the authority to be used as set forth in
17 this section. Additionally, recapture of awards and other
18 repayments to the fund shall be deposited in the fund and
19 are appropriated to the authority to be used as set forth in
20 this section. Notwithstanding section 8.33, unencumbered or
21 unobligated moneys remaining in the fund on June 30 of any
22 fiscal year shall not revert to any other fund but shall be
23 available for expenditure in subsequent years. Notwithstanding
24 section 12C.7, interest or earnings on moneys in the fund or
25 appropriated to the fund shall be credited to the fund.

26 3. The authority shall allocate moneys available in the
27 manufactured housing program fund to financing agents or
28 financial institutions to be used as set forth in subsection
29 1. The authority may provide funding to a financing agent or
30 financial institution in the form of loans, linked deposits,
31 guarantees, reserve funds, or any other prudent financial
32 instruments.

33 4. The authority shall adopt rules pursuant to chapter
34 17A including but not limited to eligibility requirements for
35 financing agents or financial institutions to receive funding

LSB 1851HC (2) 85
av/sc

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 through the manufactured housing program fund and any other
2 rules necessary to implement and administer this section.

3 5. For purposes of this section, "*manufactured home*" or
4 "*manufactured housing*" means the same as defined in section
5 435.1.

6 EXPLANATION

7 This bill creates the manufactured housing program fund
8 within the Iowa finance authority to further the goal of
9 providing affordable housing to Iowans. The moneys in the fund
10 are annually appropriated to the authority for the purpose of
11 providing funding to financing agents or financial institutions
12 to finance the purchase by an individual of a manufactured
13 home that is in compliance with all applicable laws, rules,
14 and standards that are applicable to manufactured homes and
15 manufactured housing.

16 The authority is required to allocate the moneys in the fund
17 to financing agents and financial institutions to meet the
18 purposes set forth in the bill and may provide funding in the
19 form of loans, linked deposits, guarantees, reserve funds, or
20 any other prudent financial instruments.

21 The authority is required to adopt rules that include but
22 are not limited to eligibility requirements for financing
23 agents and financial institutions to receive funding, and any
24 other rules that are necessary to implement and administer the
25 provisions of the bill.

26 For purposes of the bill, "*manufactured home*" or
27 "*manufactured housing*" means a factory-built structure
28 constructed under authority of 42 U.S.C. § 5403, that is
29 required by federal law to display a seal from the United
30 States department of housing and urban development, and was
31 constructed on or after June 15, 1976.

LSB 1851HC (2) 85
av/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Study Bill 157 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act providing for a cow-calf credit and refund, providing
2 for an appropriation, and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2130YC (3) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 Section 1. NEW SECTION. 422.120 Definitions.

2 As used in this division, unless the context otherwise
3 requires:

4 1. "*Cow-calf operation*" means an animal feeding operation as
5 defined in section 459.102 that is located in this state and
6 that keeps qualified cattle.

7 2. "*Cow-calf refund claim*" means a cow-calf credit
8 calculated as provided in section 422.121 and claimed as a
9 refund pursuant to section 422.123.

10 3. "*Credit*" means the cow-calf credit as provided in section
11 422.121.

12 4. "*Qualified cattle*" means any of the following:

13 a. A mature beef cow bred or for breeding.

14 b. A bred yearling heifer.

15 c. A breeding bull.

16 Sec. 2. NEW SECTION. 422.121 Cow-calf credit — allowed —
17 calculation.

18 1. There is allowed a state credit for cow-calf operations
19 located in this state. The credit calculated under this
20 section shall be filed with the department as a cow-calf refund
21 claim pursuant to section 422.123.

22 2. A taxpayer claiming the cow-calf credit must calculate
23 the taxpayer's qualifying taxable income.

24 a. The credit shall be available to an individual or
25 corporate taxpayer if the taxpayer's federal taxable income is
26 not more than one hundred forty-four thousand three hundred
27 fifty-eight dollars for the tax year. In the case of married
28 taxpayers, their combined federal taxable income shall be not
29 more than that same amount for the tax year.

30 b. For each subsequent tax year, the maximum taxable income
31 amount specified in paragraph "a" shall be multiplied by the
32 cumulative index factor for that tax year. "*Cumulative index*
33 *factor*" means the product of the annual index factor for the
34 2014 calendar year and all annual index factors for subsequent
35 calendar years. The cumulative index factor applies to all tax

LSB 2130YC (3) 85

-1-

da/sc

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 years beginning on or after January 1 of the calendar year for
2 which the latest annual index factor has been determined.

3 c. The annual index factor for the 2014 calendar year is
4 one hundred percent. For each subsequent calendar year, the
5 annual index factor equals the annual inflation factor for
6 that calendar year as computed in section 422.4, subsection 1,
7 paragraph "a", for purposes of the individual income tax.

8 3. a. The amount of the credit equals eleven dollars and
9 fifteen cents for each head of qualified livestock kept as part
10 of the cow-calf operation.

11 b. In calculating the cow-calf credit as provided in
12 paragraph "a", only those qualified cattle that are kept at the
13 cow-calf operation on July 1 through December 31 of the tax
14 year are counted.

15 4. If the cow-calf operation is carried on partly within and
16 partly outside the state, the portion of the cow-calf operation
17 attributable to this state shall be determined pursuant to
18 rules adopted by the department. The department may adjust the
19 allocation upon request of the taxpayer in order to reflect the
20 actual cow-calf operation carried on within this state.

21 5. A person who fraudulently claims a cow-calf credit under
22 this section shall forfeit any right to be paid for a refund
23 claim or interest on a refund claim as provided in section
24 422.123 in subsequent tax years.

25 Sec. 3. NEW SECTION. **422.122 Appropriation — limitation.**

26 There is appropriated annually from the general fund of the
27 state four million dollars to refund cow-calf credits allowed
28 under section 422.123.

29 Sec. 4. NEW SECTION. **422.123 Refund of eligible cow-calf**
30 **credit claims.**

31 1. A taxpayer may file a cow-calf credit refund claim as
32 calculated pursuant to section 422.121.

33 2. Each tax year the total amount paid to taxpayers filing
34 eligible cow-calf credit refund claims as calculated pursuant
35 to section 422.121 shall not exceed the amount appropriated by

LSB 2130YC (3) 85

-2-

da/sc

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 the general assembly pursuant to section 422.122.
2 *a.* If the total dollar amount of refund claims exceeds that
3 appropriated amount, each refund claim shall be paid an amount
4 equal to the appropriated amount divided by the total number of
5 refund claims. However, a taxpayer shall not be paid an amount
6 that exceeds the taxpayer's refund claim. Remaining moneys
7 shall be prorated among those refund claims not paid in full in
8 the proportion that each such claim bears to the total amount
9 of such refund claims not paid in full.
10 *b.* In the case where a taxpayer's refund claim is not paid
11 in full, the amount of the refund claim to which the taxpayer
12 is entitled to be paid is the amount computed in paragraph
13 "a", and paid to the taxpayer. The taxpayer is not entitled
14 to be paid for any unpaid portion of a refund claim and is not
15 entitled to carry forward or backward to another tax year any
16 unpaid portion of a refund claim.
17 *c.* A taxpayer shall not use a paid refund claim as an
18 estimated payment for the succeeding tax year.
19 3. A taxpayer must file a cow-calf credit refund claim
20 within ten months from the last day of the taxpayer's tax year.
21 An extension for filing shall not be allowed.
22 *a.* The department shall determine by February 28 of the
23 calendar year following the calendar year in which the refund
24 claims were filed if the total amount of refund claims exceeds
25 the amount appropriated pursuant to section 422.122.
26 *b.* If a refund claim is not payable on February 28 because
27 the taxpayer is a fiscal year filer, the claim shall be
28 considered as a claim filed for the following tax year.
29 4. A refund claim shall be made on forms made available
30 by the department and filed in a manner and according to
31 procedures required by the department. In order for a taxpayer
32 to have a valid refund claim, the taxpayer must supply legible
33 copies of documents as determined necessary by the department
34 to verify the refund claim's accuracy.
35 Sec. 5. APPLICABILITY. This Act applies to tax years

LSB 2130YC (3) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 beginning on or after January 1, 2014.

2 EXPLANATION

3 BACKGROUND. In 1996, the general assembly enacted SF
4 2449 (1996 Iowa Acts, chapter 1197) which in part provided
5 a livestock production tax credit not to exceed \$3,000 per
6 operation in total for a tax year. The tax credit was made
7 available to an individual or corporate taxpayer and was
8 computed by multiplying 10 cents times the amount of corn or
9 corn equivalents consumed by the livestock in the production
10 operation. For example the corn equivalency for cow-calf
11 operations (mature beef cattle bred or for breeding, bred
12 yearling heifers, and breeding bulls) equaled 111.5 (10 cents
13 x 111.5 = \$11.15). The Act also included a standing limited
14 annual appropriation of \$2 million to support the tax credit.
15 The tax credit was not used to directly reduce the taxpayer's
16 income tax liability but instead was used to calculate the
17 amount of a refund paid to the taxpayer who filed a refund
18 claim with the department of revenue. The Act also included
19 procedures for use by the department to prorate refund claim
20 amounts in case the annual appropriation was not sufficient
21 to satisfy all claims. In addition, the Act provided that
22 it would be used only to support cow-calf operations for the
23 current tax year. In 1997, the general assembly enacted HF
24 726 (1997 Iowa Acts, chapter 206), which provided that the
25 tax credit would only apply to such operations. In addition
26 the Act replaced a maximum threshold net worth requirement
27 for tax filers with a federally taxable income threshold
28 equaling \$99,600 for tax year beginning January 1, 1997, and
29 automatically adjusted each year for inflation. In 2009, the
30 general assembly enacted SF 478 repealing the tax credit (2009
31 Iowa Acts, chapter 179).

32 BILL — RESTORATION OF THE COW-CALF CREDIT. This bill
33 specifically provides for a cow-calf operations credit based
34 on the provisions in the 1996 legislation establishing the
35 livestock production tax credit. The income threshold for

LSB 2130YC (3) 85

-4-

da/sc

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 qualifying taxpayers is increased to not more than \$144,358,
2 as adjusted each year for inflation. The standing limited
3 appropriation is increased to \$4 million. However, the same
4 method is used for calculating the payment of eligible refund
5 claims when the total amount of such claims exceeds the
6 appropriated amount. The new cow-calf credit applies to tax
7 years beginning on or after January 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Study Bill 158 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

- 1 An Act relating to drug product selection.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 Section 1. Section 155A.13A, Code 2013, is amended to read
2 as follows:

3 155A.13A Nonresident pharmacy license — required, renewal,
4 drug product selection, discipline.

5 1. *License required.* A pharmacy located outside of this
6 state which delivers, dispenses, or distributes by any method,
7 prescription drugs or devices to an ultimate user in this state
8 shall obtain a nonresident pharmacy license from the board.

9 The board shall make available an application form for a
10 nonresident pharmacy license and shall require such information
11 it deems necessary to fulfill the purposes of this section. A
12 nonresident pharmacy shall do all of the following in order to
13 obtain a nonresident pharmacy license from the board:

14 a. Submit a completed application form and an application
15 fee as determined by the board.

16 b. Submit evidence of possession of a valid license, permit,
17 or registration as a pharmacy in compliance with the laws of
18 the state in which it is located, a copy of the most recent
19 inspection report resulting from an inspection conducted by
20 the regulatory or licensing agency of the state in which it is
21 located, and evidence of compliance with all legal directions
22 and requests for information issued by the regulatory or
23 licensing agency of the state in which it is located.

24 c. Submit a list of the names, titles, and locations of
25 all principal owners, partners, or officers of the nonresident
26 pharmacy, all pharmacists employed by the nonresident pharmacy
27 who deliver, dispense, or distribute by any method prescription
28 drugs to an ultimate user in this state, and of the pharmacist
29 in charge of the nonresident pharmacy. A nonresident pharmacy
30 shall update the list within thirty days of any addition,
31 deletion, or other change to the list.

32 d. Submit evidence that the nonresident pharmacy maintains
33 records of the controlled substances delivered, dispensed, or
34 distributed to ultimate users in this state.

35 e. Submit evidence that the nonresident pharmacy provides,

LSB 2093HC (3) 85

-1-

pf/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 during its regular hours of operation for at least six days and
2 for at least forty hours per week, toll-free telephone service
3 to facilitate communication between ultimate users in this
4 state and a pharmacist who has access to the ultimate user's
5 records in the nonresident pharmacy, and that the toll-free
6 number is printed on the label affixed to each container of
7 prescription drugs delivered, dispensed, or distributed in this
8 state.

9 2. *License renewal.* A nonresident pharmacy shall renew its
10 license on or before January 1 annually. In order to renew
11 a nonresident pharmacy license, a nonresident pharmacy shall
12 submit a renewal fee as determined by the board, and shall
13 fulfill all of the requirements of subsection 1, paragraphs "b"
14 through "e". A nonresident pharmacy shall pay an additional fee
15 for late renewal as determined by the board.

16 3. *Drug product selection.* A nonresident pharmacy is
17 subject to the drug product selection requirements specified
18 in section 155A.32.

19 3- 4. *Discipline.* The board may deny, suspend, or revoke a
20 nonresident pharmacy license for any violation of this section,
21 section 155A.15, subsection 2, paragraph "a", "b", "d", "e",
22 "f", "g", "h", or "i", chapter 124, 124A, 124B, 126, or 205, or
23 a rule of the board.

24 Sec. 2. Section 155A.32, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. The pharmacist shall not exercise the drug product
27 selection described in this section if ~~either~~ any of the
28 following is true:

29 a. The prescriber specifically indicates that no drug
30 product selection shall be made.

31 b. The person presenting the prescription indicates that
32 only the specific drug product prescribed should be dispensed.
33 However, this paragraph does not apply if the cost of the
34 prescription or any part of it will be paid by expenditure of
35 public funds authorized under chapter 249A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 c. The prescriber indicates that a specific drug product
2 should be dispensed and a diagnosis of epilepsy is written on
3 the prescription. For the purposes of this paragraph, "drug
4 product selection" includes dispensing a drug product of another
5 manufacturer instead of the specific drug product the patient
6 is currently prescribed, and substituting a generic version
7 for a brand version, a brand version for a generic version,
8 or a generic version for a generic version of a different
9 manufacturer. For the purposes of this paragraph, a "specific
10 drug product" means a specific drug, strength, dosage form, or
11 dosing regimen from a specific manufacturer.

12 Sec. 3. Section 155A.32, Code 2013, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 4. If drug product selection is prohibited
15 pursuant to subsection 2, paragraph "c", but the specific
16 drug indicated is not available, the pharmacist may dispense
17 a seventy-two-hour emergency supply of a bioequivalent of
18 a specific generic manufacturer's product. If a pharmacist
19 dispenses a bioequivalent drug product under this subsection,
20 the pharmacist shall notify the patient and the prescriber
21 of the substitution and shall resolve the shortage within
22 seventy-two hours of dispensing the substitute drug product.
23 The board shall adopt rules regarding notification of the
24 patient and prescriber under this subsection.

25 NEW SUBSECTION. 5. If drug product selection is prohibited
26 under subsection 2, paragraph "c", any differential in cost to
27 the pharmacy or patient resulting from the prohibition shall be
28 covered by the patient's health carrier as defined in section
29 514J.102.

30 EXPLANATION

31 This bill relates to drug product selection.

32 The bill amends provisions relating to nonresident
33 pharmacies to provide that a nonresident pharmacy is subject
34 to the drug product selection requirements that are currently
35 applicable to resident pharmacies.

LSB 2093HC (3) 85
pf/nh

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

H.F. _____

1 The bill also amends the list of exceptions to a pharmacist
2 exercising drug product selection to provide that a pharmacist
3 shall not exercise drug product selection if the prescriber
4 indicates that a specific drug product should be dispensed and
5 a diagnosis of epilepsy is written on the prescription. The
6 bill also specifies that for the purposes of the exception,
7 drug product selection includes dispensing a drug product of
8 another manufacturer instead of the specific drug product the
9 patient is currently prescribed, and substituting a generic
10 version for a brand version, a brand version for a generic
11 version, or a generic version for a generic version of a
12 different manufacturer. Additionally, for the purposes of
13 the exception, a specific drug product means a specific drug,
14 strength, dosage form, or dosing regimen from a specific
15 manufacturer.

16 The bill also addresses substitutions made when a pharmacy
17 does not have a specific drug product available when drug
18 product selection is prohibited. In those instances, the bill
19 provides that the pharmacist may dispense a 72-hour emergency
20 supply of a bioequivalent of a specific generic manufacturer's
21 product. If a substitute is dispensed, the pharmacist is
22 required to notify the patient and the prescriber of the
23 substitution and to resolve the shortage within 72 hours of
24 dispensing the substitute drug product. The bill directs the
25 board of pharmacy to adopt rules regarding notification of the
26 patient and prescriber.

27 The bill also provides that if drug product selection
28 is prohibited relating to a diagnosis of epilepsy, any
29 differential in cost to the pharmacy or patient resulting
30 from the prohibition shall be covered by the patient's health
31 carrier.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

House Study Bill 159 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF INSPECTIONS AND
APPEALS/STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to payments from the indigent defense fund by
2 the state public defender.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1172XD (8) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 Section 1. Section 13B.4, subsection 4, paragraph d, Code
2 2013, is amended by striking the paragraph.

3 Sec. 2. Section 13B.4, subsection 8, Code 2013, is amended
4 to read as follows:

5 8. The state public defender shall adopt rules, as
6 necessary, pursuant to chapter 17A to interpret and administer
7 this chapter, and chapter 815, and sections 229A.6, 232.11,
8 232.89, 232.113, 232.126, 232.141, 232.179, 600A.6A, 600A.6B,
9 814.11, and 908.2A. The state public defender shall have the
10 discretion to interpret such rules.

11 Sec. 3. NEW SECTION. 13B.4A Judicial review of agency
12 action.

13 1. Notwithstanding chapter 17A, a claimant for payment of
14 indigent defense costs may seek judicial review of the state
15 public defender's final agency action denying or reducing any
16 claim by filing a motion for judicial review in the court with
17 jurisdiction over the original appointment. This section is
18 the sole and exclusive method of seeking judicial review of the
19 state public defender's action on any claim for payment.

20 a. A claimant may only file the motion after the state
21 public defender has taken final agency action, as defined by
22 the state public defender, on the claim, and the claimant must
23 file the motion within twenty days of the final agency action.

24 b. Failure to seek judicial review within twenty days of
25 final agency action as defined by the state public defender
26 shall preclude any judicial review of the action taken by the
27 state public defender.

28 c. The motion must clearly and concisely set forth the
29 grounds for error and any other grounds the claimant intends
30 to rely upon when challenging the action of the state public
31 defender.

32 2. a. The court shall set the motion for hearing and
33 provide the state public defender with at least ten days'
34 notice of the hearing. The state public defender shall not
35 be required to file a resistance to the motion for judicial

LSB 1172XD (8) 85

-1-

jm/rj

1/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 review.

2 **b.** The claimant or state public defender may participate
3 in the hearing by telephone. If the state public defender
4 participates by telephone, the state public defender shall be
5 responsible for initiating the telephone call and paying all
6 telephone charges incurred for the hearing.

7 **3.** The claimant shall have the burden to show by a
8 preponderance of the evidence any of the following, otherwise
9 the action of the state public defender shall be affirmed:

10 **a.** The action of the state public defender violates the
11 Constitution of the United States or the Constitution of the
12 State of Iowa, a statute, or an administrative rule adopted by
13 the state public defender.

14 **b.** The action of the state public defender is arbitrary,
15 capricious, or an abuse of discretion.

16 **4.** In a hearing on a motion for judicial review of an action
17 of the state public defender the following shall apply:

18 **a.** The state public defender's interpretation of the rules
19 adopted by the state public defender or a statute, which the
20 state public defender is vested with discretion to interpret
21 pursuant to section 13B.4, subsection 8, is binding on the
22 court unless the interpretation is irrational, illogical, or a
23 wholly unjustifiable interpretation of the law.

24 **b.** Factual findings of the state public defender must be
25 accepted by the court unless not supported by substantial
26 evidence.

27 **c.** If the state public defender provides an administrative
28 procedure for review of an action on a claim, the court shall
29 not consider any grounds for error or any other grounds unless
30 raised with the state public defender prior to the final agency
31 action, and the court shall not admit new evidence that was
32 not presented to the state public defender prior to the final
33 agency action.

34 **5.** If the state public defender is not first notified and
35 given an opportunity to be heard, any court order entered after

LSB 1172XD (8) 85

-2-

jm/rj

2/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 the state public defender has taken action on the claim, which
2 affects the claim, is void.

3 6. The decision of the court following a hearing on a motion
4 for judicial review is a final judgment appealable by either
5 the claimant or state public defender.

6 Sec. 4. NEW SECTION. **13B.4B Confidentiality of indigent**
7 **defense claim records.**

8 1. A claim for compensation and reimbursement for legal
9 assistance and supporting documents submitted to the state
10 public defender for payment of costs incurred in the legal
11 representation of an indigent person from the indigent defense
12 fund established in section 815.11 shall be kept confidential
13 by the state public defender except as otherwise provided in
14 subsection 2.

15 2. a. The claim and supporting documents may be released to
16 the client on whose behalf the costs were incurred.

17 b. Summary claims data may be released if the data contains
18 no information that is required to be kept confidential
19 pursuant to an attorney's obligations under the Iowa rules of
20 professional conduct. Such summary data may include:

21 (1) The name of the attorney or vendor who provided the
22 legal services.

23 (2) The name of the county in which legal services were
24 provided.

25 (3) The case number and name of the client unless the
26 information is a confidential juvenile record under section
27 232.147.

28 (4) The type of claim and the type of cases for which legal
29 services were provided.

30 (5) The number of hours and expenses claimed, and the total
31 amount paid.

32 c. The state public defender may in the state public
33 defender's sole discretion release claims and supporting
34 documents to the auditor of state, the Iowa supreme court
35 attorney disciplinary board, the grievance commission of the

LSB 1172XD (8) 85

-3-

jm/rj

3/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 supreme court of Iowa, or to other state or local agencies to
2 the extent necessary to investigate fraud or other criminal
3 activity against the attorney or vendor submitting the claim.

4 *d.* The state public defender may release the claim and
5 supporting documents to the court with respect to a hearing
6 held under section 13B.4A.

7 Sec. 5. Section 13B.8, subsection 2, Code 2013, is amended
8 to read as follows:

9 2. The state public defender may appoint ~~and may, for~~
10 ~~cause, remove~~ the local public defender, assistant local
11 public defenders, clerks, investigators, secretaries, or other
12 employees. After completion of an employee's probationary
13 period, the state public defender shall only remove the
14 employee for cause. An employee of the state public defender
15 exempt from the merit system provisions of chapter 8A,
16 subchapter IV, shall serve a one-year probationary period from
17 the beginning date of employment. Each local public defender,
18 and any assistant local public defender, must be an attorney
19 admitted to the practice of law before the Iowa supreme court.

20 Sec. 6. NEW SECTION. 13B.12 Gideon fellowship program
21 established.

22 The state public defender may establish a gideon fellowship
23 program for the entry level hiring and training of public
24 defender attorneys. The state public defender may appoint
25 up to four gideon fellows for a term of up to two years and
26 may assign each fellow to a local public defender office or
27 appellate defender office. Each fellow shall be a licensed
28 attorney admitted to practice law in this state prior to
29 commencement of the fellowship. An attorney hired as a fellow
30 shall be excluded from the provisions of chapter 20.

31 Sec. 7. Section 22.7, Code 2013, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 10. A claim for compensation and
34 reimbursement for legal assistance and supporting documents
35 submitted to the state public defender for payment from

LSB 1172XD (8) 85

-4-

jm/rj

4/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 the indigent defense fund established in section 815.11, as
2 provided in section 13B.4B.

3 Sec. 8. Section 600A.6, subsection 2, Code 2013, is amended
4 to read as follows:

5 2. a. Prior to the service of notice on the necessary
6 parties, the juvenile court shall appoint a guardian ad litem
7 for a minor child if the child does not have a guardian or if
8 the interests of the guardian conflict with the interests of
9 the child. Such guardian ad litem shall be a necessary party
10 under subsection 1 ~~of this section.~~

11 b. A person who is appointed as a guardian ad litem for
12 a minor child shall not also be the attorney for any party
13 other than the minor child in any proceeding involving the
14 minor child. The guardian ad litem may make an independent
15 investigation of the interest of the child and may cause
16 witnesses to appear before the court to provide testimony
17 relevant to the best interest of the minor child.

18 c. The costs of the guardian ad litem shall be paid by the
19 person filing the petition under section 600A.5, subsection
20 1. The costs are not payable from the indigent defense fund
21 established in section 815.11.

22 Sec. 9. Section 600A.6B, Code 2013, is amended to read as
23 follows:

24 **600A.6B Payment of attorney fees.**

25 1. A person filing a petition for termination of parental
26 rights under this chapter ~~or the person on whose behalf the~~
27 ~~petition is filed~~ shall be responsible for the payment of
28 reasonable attorney fees for counsel appointed pursuant to
29 section 600A.6A unless the person filing the petition is a
30 private child-placing agency ~~as defined in section 238.1~~
31 licensed under chapter 238, or ~~unless~~ the court determines that
32 the person filing the petition ~~or the person on whose behalf~~
33 ~~the petition is filed~~ is indigent.

34 2. If the person filing the petition is a private
35 child-placing agency ~~as defined in section 238.1~~ licensed

LSB 1172XD (8) 85

-5-

jm/rj

5/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 ~~under chapter 238~~ or if the person filing the petition ~~or the~~
2 ~~person on whose behalf the petition is filed~~ is indigent, the
3 ~~appointed attorney shall be paid reasonable attorney fees as~~
4 ~~determined by the state public defender~~ prospective parent on
5 whose behalf the petition is filed shall be responsible for
6 the payment of reasonable attorney fees for counsel appointed
7 pursuant to section 600A.6A unless the court determines that
8 the prospective parent on whose behalf the petition is filed
9 is indigent.

10 3. ~~The~~ If the prospective parent on whose behalf the
11 petition is filed is indigent, and if the person filing the
12 petition is indigent or a private child-placing agency licensed
13 under chapter 238, the appointed attorney shall be paid
14 reasonable attorney fees as determined by the state public
15 defender from the indigent defense fund established in section
16 815.11.

17 4. The state public defender shall review all the claims
18 submitted for payment ~~under this section~~ subsection 3 and shall
19 have the same authority with regard to the payment of these
20 claims as the state public defender has with regard to claims
21 submitted under chapters 13B and 815, including the authority
22 to adopt rules concerning the review and payment of claims
23 submitted.

24 Sec. 10. Section 814.11, subsections 2, 3, and 4, Code 2013,
25 are amended to read as follows:

26 2. a. If the appeal involves an indictable offense or
27 denial of postconviction relief, the appointment shall be made
28 to the state appellate defender unless the state appellate
29 defender notifies the court that the state appellate defender
30 is unable to handle the case.

31 b. If the state appellate defender is unable to handle
32 the case, the state public defender may transfer the case to
33 a local public defender office, nonprofit organization, or
34 private attorney designated by the state public defender to
35 handle such a case. The state appellate defender shall notify

LSB 1172XD (8) 85

-6-

jm/rj

6/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 the supreme court of the transfer of a case, and upon such
2 notification the responsibility of the state appellate defender
3 in the case terminates.

4 c. If, after transfer of the case to a local public defender
5 office, nonprofit organization, or private attorney, the local
6 public defender office, nonprofit organization, or private
7 attorney withdraws from the case, the court shall appoint an
8 attorney who has a contract with the state public defender to
9 provide legal services in appellate cases.

10 3. a. In a juvenile case under chapter 232 or a proceeding
11 under chapter 600A, the trial attorney shall continue
12 representation throughout the appeal without an additional
13 appointment order unless the court grants the attorney
14 permission to withdraw from the case.

15 b. If the court grants the attorney permission to withdraw,
16 the court shall appoint the state public defender's designee
17 pursuant to section 13B.4.

18 c. If the state public defender has not made a designation
19 pursuant to section 13B.4 to handle the type of case or the
20 state public defender's designee is unable to handle the case,
21 the court shall appoint an attorney who has a contract with the
22 state public defender to provide legal services in appellate
23 cases.

24 4. a. In all other cases not specified in subsection 2 or
25 3, or except as otherwise provided in this section, the court
26 shall appoint the state public defender's designee pursuant to
27 section 13B.4.

28 b. If the state public defender has not made a designation
29 pursuant to section 13B.4 to handle these other types of cases
30 or the state public defender's designee is unable to handle
31 the case, the court shall appoint an attorney to represent
32 an indigent person who has a contract with the state public
33 defender to provide legal services in appellate cases.

34 Sec. 11. NEW SECTION. 815.1 Costs incurred by a privately
35 retained attorney representing an indigent person.

LSB 1172XD (8) 85

-7-

jm/rj

7/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 1. The court shall not authorize the payment of state
2 funds for the costs incurred in the legal representation of a
3 person represented by a privately retained attorney unless the
4 requirements of this section are satisfied.

5 2. An application for the payment of state funds for the
6 costs incurred in the legal representation of an indigent
7 person that is submitted by the privately retained attorney
8 shall be filed with the court in the county in which the case
9 was filed and include the following:

10 *a.* A copy of the attorney's fee agreement for the
11 representation.

12 *b.* An itemized accounting of all compensation paid to the
13 attorney including the amount of any retainer.

14 *c.* The amount of compensation earned by the attorney.

15 *d.* Information on any expected additional costs to be paid
16 or owed by the represented person to the attorney for the
17 representation.

18 *e.* A signed financial affidavit completed by the represented
19 person.

20 3. The attorney shall submit a copy of the application and
21 all attached documents to the state public defender.

22 4. The court shall not grant the application and authorize
23 all or a portion of the payment to be made from state funds
24 unless the court determines, after reviewing the application
25 and supporting documents, that all of the following apply:

26 *a.* The represented person is indigent and unable to pay for
27 the costs sought to be paid by the attorney.

28 *b.* The costs are reasonable and necessary for the
29 representation of the person in a case for which counsel could
30 have been appointed under section 815.10.

31 *c.* The moneys paid or to be paid to the attorney by or on
32 behalf of the represented person are insufficient to pay all or
33 a portion of the costs sought to be paid from state funds.

34 (1) In determining whether the moneys paid or to be paid to
35 the attorney are insufficient for purposes of this paragraph

LSB 1172XD (8) 85

-8-

jm/rj

8/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 "c", the court shall add the hours previously worked to the
2 hours expected to be worked to finish the case and multiply
3 that sum by the hourly rate of compensation specified under
4 section 815.7.

5 (2) If the product calculated in subparagraph (1) is
6 greater than the moneys paid or to be paid to the attorney by
7 or on behalf of the represented person, the moneys shall be
8 considered insufficient to pay all or a portion of the costs
9 sought to be paid from state funds.

10 (3) If the private attorney is retained on a flat fee
11 agreement, and a precise record of hours worked is not
12 available, the privately retained attorney shall provide the
13 court a reasonable estimate of the time expended to allow the
14 court to make the calculation pursuant to this paragraph "c".

15 5. This section applies to payments to witnesses under
16 section 815.4, evaluators, investigators, and certified
17 shorthand reporters, and for other costs incurred in the legal
18 representation.

19 6. This section shall not be construed to restrict payment
20 of costs on behalf of an indigent person represented on a pro
21 bono basis.

22 EXPLANATION

23 This bill relates to payments from the indigent defense fund
24 by the state public defender.

25 Under the bill, an indigent defense claimant may seek
26 judicial review of the final agency action of the state
27 public defender denying or reducing an indigent defense claim
28 by filing a motion for judicial review in the court with
29 jurisdiction over the original court appointment.

30 The bill requires the motion to be filed within 20 days after
31 the final agency action. The bill also requires the motion
32 to clearly and concisely set forth the grounds for error the
33 claimant intends to rely upon when challenging the final agency
34 action of the state public defender.

35 The bill requires the motion to be set for a hearing and that

LSB 1172XD (8) 85

-9-

jm/rj

9/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 the state public defender be provided at least 10 days' notice
2 of the hearing. The bill does not require the state public
3 defender to file a resistance to the motion. The claimant or
4 state public defender may appear at the hearing by telephone,
5 however, if the state public defender appears by telephone, the
6 state public defender shall be responsible for initiating and
7 paying all telephone charges incurred during the hearing.

8 The bill specifies that if the state public defender is not
9 first notified and given an opportunity to be heard on a motion
10 to review a claim for payment, any court order entered after
11 the state public defender has taken action on the claim, which
12 affects the claim, is void.

13 The bill requires the claimant to prove by a preponderance of
14 the evidence that the final agency action of the state public
15 defender violated the constitutions of the United States or the
16 State of Iowa, a statute, or an administrative rule, or that
17 the final agency action was arbitrary, capricious, or an abuse
18 of discretion.

19 Under the bill, if the state public defender provides an
20 administrative procedure for review of an action on a claim,
21 the court, during judicial review, shall not consider any
22 grounds for error unless raised with the state public defender
23 prior to the final agency action, and the court is prohibited
24 from admitting new evidence that was not previously presented
25 to the state public defender.

26 The bill specifies the state public defender may adopt rules
27 to interpret and administer Code sections 229A.6 (sexually
28 violent predators), 232.11 (juvenile delinquency), 232.89
29 (child in need of assistance), 232.113 (termination of parental
30 rights in juvenile court), 232.126 (appointment of guardian
31 ad litem for family in need of assistance), 232.141 (juvenile
32 court expenses and costs), 232.179 (appointment of counsel and
33 guardian ad litem for voluntary foster care placement), 600A.6A
34 (termination of parental rights), 600A.6B (payment of attorney
35 fees for termination of parental rights), 814.11 (indigent's

LSB 1172XD (8) 85

-10-

jm/rj

10/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 right to counsel), and 908.2A (appointment of an attorney for
2 violations of probation or parole).

3 The bill specifies that indigent defense claims and
4 supporting documents are confidential documents under Code
5 section 22.7 but allows the state public defender to release
6 the confidential information under certain circumstances. The
7 state public defender may release the claim and supporting
8 documents to the indigent person who was the client in the
9 case. The bill specifies that summary claims data may be
10 released including the name of the attorney or vendor providing
11 services, the county in which legal services were provided, the
12 case number and name of the client unless the information is a
13 confidential juvenile record, the type of claim and case, the
14 number of hours and costs claimed, and the amount paid to the
15 claimant.

16 The bill also allows the state public defender to provide
17 indigent defense claims and supporting documents to the auditor
18 of state, the Iowa supreme court attorney disciplinary board,
19 or grievance commission, or to other state or local agencies
20 for the purpose of investigating fraud or criminal activity.

21 After completion of an employee's probationary period, the
22 bill specifies that the state public defender may only remove
23 the employee for cause. The bill specifies that an employee of
24 the state public defender not covered by the merit system under
25 Code chapter 8A shall serve a one-year probationary period from
26 the beginning date of employment.

27 The bill establishes the gideon fellowship program for the
28 entry level hiring and training of attorneys within the office
29 of the state public defender. Under the bill, the state public
30 defender may hire up to four gideon fellows to serve under the
31 program as a public or appellate defender for up to two years.
32 The bill requires the fellows to be licensed attorneys in this
33 state and excludes the fellows from Code chapter 20 relating to
34 public collective bargaining.

35 The bill specifies that costs incurred by a guardian ad

LSB 1172XD (8) 85

-11-

jm/rj

11/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 litem in a proceeding under Code chapter 600A (termination
2 of parental rights) shall be paid by the person filing the
3 petition under Code section 600A.5(1).

4 The bill provides that a child-placing agency licensed under
5 Code chapter 238 may file a petition to terminate parental
6 rights under Code chapter 600A. Current law specifies a
7 child-placing agency as defined in Code section 238.1 may file
8 such a petition.

9 The bill specifies that if a person filing a petition
10 to terminate parental rights under Code chapter 600A is a
11 child-placing agency licensed under Code chapter 238 or if the
12 person filing the petition is indigent, the prospective parent
13 on whose behalf the petition is filed shall be responsible for
14 the payment of reasonable attorney fees in the case, unless the
15 court determines the prospective parent on whose behalf the
16 petition is filed is indigent.

17 If a prospective parent on whose behalf a petition is filed
18 is indigent, and if the person filing the petition is indigent
19 or a child-placing agency licensed under Code chapter 238 files
20 the petition, the bill requires the appointed attorney in the
21 case to be paid reasonable attorney fees from the indigent
22 defense fund established in Code section 815.11.

23 In an appeal involving an indictable offense or denial
24 of postconviction relief, the bill specifies that if the
25 state appellate defender is unable to handle the case, the
26 state public defender may transfer the case to a local public
27 defender office, nonprofit organization, or private attorney
28 designated by the state public defender to handle such a
29 case. If after the transfer of the appeal, the attorney or
30 organization withdraws from the case, the court shall appoint
31 an attorney who has a contract with the state public defender
32 to provide such services in appellate cases.

33 In an appeal in a juvenile or termination of parental rights
34 case under Code chapter 600A, the bill specifies that if the
35 court grants permission for an attorney to withdraw from the

LSB 1172XD (8) 85

-12-

jm/rj

12/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 appeal, the court shall appoint the state public defender's
2 designee pursuant to Code section 13B.4. If the state public
3 defender has not made a designation pursuant to Code section
4 13B.4 to handle the type of case or the designee is unable to
5 handle the case, the bill requires the court to appoint an
6 attorney who has a contract with the state public defender to
7 provide legal services in appellate cases.

8 In all other cases not involving an indictable offense,
9 juvenile case, or termination of parental rights under Code
10 chapter 600A, the bill specifies that the court shall appoint
11 the state public defender's designee on an appeal. If the
12 state public defender has not made a designation pursuant
13 to Code section 13B.4 to handle these types of cases or the
14 designee is unable to handle the case, the bill requires the
15 court to appoint an attorney who has a contract with the state
16 public defender to provide legal services in appellate cases.

17 The bill establishes a process for payment of state funds
18 to a privately retained attorney for the costs incurred in the
19 legal representation of a person who is later determined to be
20 indigent.

21 Under the bill, the privately retained attorney shall
22 file an application for the payment of state funds with the
23 court. The bill requires the application to include a copy of
24 the attorney's fee agreement, an itemized accounting of all
25 compensation paid to the attorney including the amount of any
26 retainer, information on any expected additional expense paid
27 or owed to the attorney in the case, and a signed financial
28 affidavit completed by the represented person.

29 The bill requires a copy of the application to be submitted
30 to the state public defender.

31 The bill prohibits the payment of state funds to a privately
32 retained attorney unless the court determines that the
33 represented person is indigent and unable to pay for the
34 expenses sought to be paid by the attorney, the expense of the
35 attorney is reasonable and necessary for the representation of

LSB 1172XD (8) 85

-13-

jm/rj

13/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____ H.F. _____

1 an indigent person for which counsel could have been appointed,
2 and the moneys paid or to be paid by or on behalf of the
3 represented person to the private attorney are insufficient to
4 pay all or a portion of the expenses sought to be paid from
5 state funds. In determining whether the moneys paid or to be
6 paid to the attorney are insufficient, the bill requires the
7 court to add the hours previously worked to the hours expected
8 to be worked to finish the case and to multiply that sum by the
9 hourly rate of compensation specified under Code section 815.7.
10 If this calculation is greater than the moneys paid or to be
11 paid by or on behalf of the represented person to the attorney,
12 the bill specifies the moneys shall be considered insufficient
13 to pay all or a portion of the expenses sought to be paid
14 from state funds, and the court may authorize the payment of
15 state funds to the extent the moneys paid or to be paid to the
16 attorney are insufficient to pay the expenses as calculated
17 by the court. If the private attorney is retained on a flat
18 fee agreement, and a precise record of hours worked is not
19 available, the bill requires the privately retained attorney to
20 provide the court a reasonable estimate of the time expended to
21 allow the court to determine whether state funds must be paid
22 to the privately retained attorney.

23 This process of the payment of state funds established in
24 the bill also applies to payments to witnesses, evaluators,
25 investigators, and certified shorthand reporters, and for other
26 costs incurred in the legal representation. However, nothing
27 in the bill should be construed to restrict payment of expenses
28 from state funds on behalf on an indigent person represented by
29 an attorney on a pro bono basis.

LSB 1172XD (8) 85

-14-

jm/rj

14/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 219 - Introduced

SENATE FILE 219
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 87)

A BILL FOR

1 An Act relating to the authorized use of revenues from
2 the physical plant and equipment levy and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1720SV (1) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 219

1 Section 1. Section 298.3, subsection 1, paragraph i, Code
2 2013, is amended to read as follows:

3 ~~i. Purchase~~ The purchase of transportation equipment for
4 transporting students and the repair of such transportation
5 equipment. For the purposes of this paragraph, "repair"
6 means restoring an existing item of equipment to its original
7 condition, as near as may be, after decay, waste, injury, or
8 partial destruction, and includes maintenance of an item of
9 equipment.

10 Sec. 2. APPLICABILITY. This Act applies to school budget
11 years beginning on or after July 1, 2014.

12 EXPLANATION

13 Current Code section 298.3 authorizes revenues from the
14 regular and voter-approved physical plant and equipment
15 levies to be used for the purchase of transportation equipment
16 for transporting students. This bill authorizes a school
17 district to use revenues from such levies for the repair of
18 transportation equipment for transporting students. The bill
19 defines "repair".

20 The bill applies to budget years beginning on or after July
21 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 220 - Introduced

SENATE FILE 220
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 66)

A BILL FOR

1 An Act relating to funding for retirement incentive programs
2 offered by school districts and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1701SV (1) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 220

1 Section 1. Section 279.46, Code 2013, is amended to read as
2 follows:

3 **279.46 Retirement incentives — tax.**

4 The board of directors of a school district may adopt a
5 program for payment of a monetary bonus, continuation of
6 health or medical insurance coverage, or other incentives
7 for encouraging its employees to retire before the normal
8 retirement date as defined in chapter 97B. The program is
9 available only to employees who notify the board of directors
10 prior to April 1 of the fiscal year that they intend to retire
11 not later than the start of the next following school calendar.
12 The age at which employees shall be designated eligible for
13 the program shall be at the discretion of the board. An
14 employee retiring under this section may apply for a retirement
15 allowance under chapter 97B or chapter 294. The board may
16 include in the district management levy an amount to pay the
17 total estimated accumulated cost to the school district of
18 the health or medical insurance coverage, bonus, or other
19 incentives for employees ~~within the age range of fifty-five to~~
20 ~~sixty-five~~ years of age or older who retire under this section.

21 Sec. 2. APPLICABILITY. This Act applies to retirement
22 incentive programs in existence on or after July 1, 2013.

23 EXPLANATION

24 This bill makes changes affecting the retirement incentive
25 programs school districts may offer to employees and pay for
26 through the district management levy under Code section 298.4.
27 Currently, districts can pay for the program through the
28 district management levy for employees between the ages of 55
29 and 65. The bill allows the district to pay for such a program
30 through the district management levy for employees who are 55
31 years of age or older.

32 The Act applies to retirement incentive programs in
33 existence on or after July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 221 - Introduced

SENATE FILE 221
BY SODDERS

A BILL FOR

1 An Act providing for an automobile rental surcharge,
2 establishing a public transit assistance fund, making
3 an appropriation, and including effective date and
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2215XS (2) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 221

1 Section 1. NEW SECTION. **324A.6B Public transit assistance**
2 **fund.**

3 A public transit assistance fund is established in the
4 office of the treasurer of state under the control of the
5 department. The fund shall consist of any moneys appropriated
6 to the fund by the general assembly and the amount credited to
7 the fund from the surcharge imposed on the rental of passenger
8 automobiles pursuant to section 423C.5. Moneys in the fund are
9 not subject to section 8.33. Notwithstanding section 12C.7,
10 subsection 2, interest or earnings on moneys deposited in the
11 fund shall be credited to the fund. Moneys in the public
12 transit assistance fund are appropriated to the department to
13 be used on and after October 1, 2014, for purposes of public
14 transit assistance as provided in section 324A.6.

15 Sec. 2. Section 423C.3, subsection 3, Code 2013, is amended
16 to read as follows:

17 3. The tax, when collected, shall be stated as a distinct
18 item separate and apart from the rental price of the
19 automobile, the automobile rental surcharge imposed under
20 section 423A.3A, and the sales and services tax imposed under
21 chapter 423, subchapter II, or the use tax imposed under
22 chapter 423, subchapter III.

23 Sec. 3. NEW SECTION. **423C.3A Automobile rental surcharge.**

24 A surcharge of two dollars is imposed on each automobile
25 rental transaction that is subject to the automobile rental tax
26 under section 423C.3. The lessor shall collect the surcharge
27 by adding the surcharge to the total amount due on the rental
28 transaction. The surcharge shall be stated as a distinct item
29 separate and apart from the rental price of the automobile and
30 any taxes imposed under chapter 423, subchapter II or III, or
31 this chapter. The department shall administer the surcharge in
32 conjunction with administration of the automobile rental tax as
33 provided in this chapter.

34 Sec. 4. Section 423C.5, Code 2013, is amended to read as
35 follows:

LSB 2215XS (2) 85

-1-

dea/sc

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 221

1 **423C.5 Deposit of revenue.**

2 1. The Except as provided in subsection 2, revenue arising
3 from the operation of this chapter shall be credited to the
4 statutory allocations fund created under section 321.145,
5 subsection 2.

6 2. Revenue from the collection of the surcharge imposed
7 under section 423C.3A shall be credited to the public transit
8 assistance fund created under section 324A.6B.

9 Sec. 5. EFFECTIVE DATE. This Act takes effect October 1,
10 2013.

11 Sec. 6. APPLICABILITY. This Act applies to automobile
12 rental transactions entered into on or after October 1, 2013.

13 EXPLANATION

14 This bill imposes a \$2 surcharge on every automobile rental
15 transaction that is subject to the automobile rental excise
16 tax. Pursuant to current law, the automobile rental excise tax
17 is imposed on the rental of motor vehicles designed primarily
18 for carrying nine passengers or less, excluding motorcycles
19 and motorized bicycles, for a period of 60 days or less.

20 The automobile rental surcharge is to be collected by the
21 lessor by adding the surcharge to the total amount due on the
22 rental transaction. The department of revenue is required to
23 administer the surcharge in conjunction with the administration
24 of the automobile rental excise tax.

25 The bill establishes a public transit assistance fund to
26 be administered by the department of transportation. Revenue
27 from the collection of the automobile rental surcharge shall
28 be credited to the fund. The bill appropriates moneys in
29 the public transit assistance fund to the department of
30 transportation to be used, beginning October 1, 2014, for
31 providing assistance to public transit for the development,
32 improvement, and maintenance of public transit systems
33 according to current policies established in Code section
34 324A.6.

35 The bill takes effect October 1, 2013, and applies to

LSB 2215XS (2) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 221

1 automobile rental transactions entered into on or after that
2 date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 222 - Introduced

SENATE FILE 222
BY SODDERS

A BILL FOR

1 An Act making an appropriation for implementation and expansion
2 of early head start projects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2112XS (2) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 222

1 Section 1. EARLY HEAD START PROJECTS. There is appropriated
2 from the general fund of the state to the department of
3 education for the fiscal year beginning July 1, 2013, and
4 ending June 30, 2014, the following amount, or so much thereof
5 as is necessary, to be used for the purposes designated:

6 For early head start projects:

7 \$ 800,000

8 The moneys appropriated in this section shall be used for
9 implementation and expansion of early head start pilot projects
10 addressing the comprehensive cognitive, social, emotional,
11 and developmental needs of children from birth to age three,
12 including prenatal support for qualified families. The
13 projects shall promote healthy prenatal outcomes and healthy
14 family functioning, and strengthen the development of infants
15 and toddlers in low-income families. Priority shall be given
16 to those organizations that have previously qualified for
17 and received state funding to administer an early head start
18 project.

19 EXPLANATION

20 This bill makes an appropriation for FY 2013-2014 to the
21 department of education for implementation and expansion of
22 early head start projects. The projects are part of a national
23 effort to promote healthy prenatal outcomes and healthy family
24 functioning, and strengthen the development of infants and
25 toddlers in low-income families.

LSB 2112XS (2) 85

-1-

jp/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 223 - Introduced

SENATE FILE 223
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 73)

A BILL FOR

1 An Act providing for the issuance of special electric vehicle
2 registration plates, establishing fees, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1682SV (1) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 223

1 Section 1. Section 321.34, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 27. *Electric vehicle plates.*
4 *a.* The owner of a motor vehicle that operates on an electric
5 propulsion system or on a combination of an electric propulsion
6 system and an internal combustion propulsion system may,
7 upon written application to the department, order special
8 registration plates with an electric vehicle emblem. The
9 emblem shall be designed by the department in consultation with
10 the department of public safety.
11 *b.* Electric vehicle plates shall be issued as provided
12 in subsection 12. The special plate fees collected by the
13 director under subsection 12, paragraphs "a" and "c", from the
14 issuance and annual validation of letter-number designated and
15 personalized electric vehicle plates shall be paid monthly to
16 the treasurer of state and deposited in the road use tax fund.
17 *c.* When the owner of a motor vehicle with electric vehicle
18 plates transfers or assigns ownership of the vehicle to another
19 person, the owner shall remove the electric vehicle plates
20 from the vehicle. The owner shall forward the plates to the
21 county treasurer where the motor vehicle is registered or the
22 owner may have the plates assigned to another motor vehicle
23 that meets the requirements under paragraph "a". Electric
24 vehicle registration plates shall not be assigned to another
25 motor vehicle unless the motor vehicle operates on an electric
26 propulsion system or on a combination of an electric propulsion
27 system and an internal combustion propulsion system.
28 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
29 2014.

30 EXPLANATION

31 This bill directs the department of transportation to issue
32 a new special motor vehicle registration plate bearing an
33 electric vehicle emblem, to be designed by the department in
34 consultation with the department of public safety. The special
35 electric vehicle plates will be available only for motor

LSB 1682SV (1) 85
dea/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 223

1 vehicles that operate on an electric propulsion system or on
2 a combination of electric propulsion and internal combustion
3 propulsion. The fees for electric vehicle plates are the
4 standard fees established for special registration plates. The
5 fee for issuance of the special plates is \$25. An applicant
6 for personalized special plates must pay the \$25 personalized
7 plate fee in addition to the \$25 special plate fee. The
8 special plate renewal fee is \$5, in addition to the annual
9 vehicle registration fee. For renewal of personalized special
10 plates, a \$5 personalized plate renewal fee applies in addition
11 to the \$5 special plate fee and the annual registration fee.
12 All fees for electric vehicle plates are to deposited in the
13 road use tax fund.

14 Under current law, when the owner of a vehicle transfers or
15 assigns ownership of the vehicle to another person, the owner
16 may have the plates assigned to another vehicle. Under the
17 bill, electric vehicle plates shall not be assigned to another
18 motor vehicle unless the motor vehicle operates on an electric
19 propulsion system or on a combination of electric propulsion
20 and internal combustion propulsion.

21 The bill takes effect January 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 224 - Introduced

SENATE FILE 224
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1154)

A BILL FOR

1 An Act relating to the fee charged for the issuance of
2 duplicate driver's licenses and nonoperator's identification
3 cards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2056SV (1) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 224

1 Section 1. Section 321.189, subsection 8, Code 2013, is
2 amended to read as follows:

3 8. *Veterans status.* ~~Beginning no later than July 1,~~
4 ~~2013, a~~ A licensee who is an honorably discharged veteran of
5 the armed forces of the United States ~~seeking to obtain a~~
6 ~~license, other than a replacement license, pursuant to this~~
7 ~~section~~ may request that ~~such a~~ the license be marked to
8 reflect the licensee's veteran status. Upon such a request,
9 the word "VETERAN" shall be marked prominently on the face
10 of the license. Such a license shall be issued only upon
11 receipt of satisfactory proof of veteran status pursuant to
12 procedures established by the department in consultation with
13 the department of veterans affairs. ~~This subsection shall~~
14 ~~not apply to duplicate or substitute licenses or nonoperator~~
15 ~~identification cards obtained pursuant to section 321.195.~~

16 Sec. 2. Section 321.195, Code 2013, is amended to read as
17 follows:

18 **321.195 Duplicate Replacement of driver's licenses and**
19 **nonoperator's identification cards.**

20 A fee of ten dollars shall be charged for the replacement of
21 a driver's license or nonoperator's identification card. If a
22 driver's license or nonoperator's identification card issued
23 under this chapter is lost or destroyed, the person to whom the
24 license or card was issued ~~may, upon payment of a fee of three~~
25 ~~dollars for a driver's license or nonoperator's identification~~
26 ~~card, obtain a duplicate, or substitute, upon furnishing must~~
27 furnish proof satisfactory to the department that the driver's
28 license or nonoperator's identification card has been lost
29 or destroyed in order to obtain a replacement. ~~A fee of one~~
30 ~~dollar shall be charged for the voluntary replacement of a~~
31 ~~driver's license or nonoperator's identification card.~~

32 EXPLANATION

33 Currently, under Code section 321.195, the fee for
34 replacement of a driver's license or nonoperator's
35 identification card that was lost or destroyed is \$3, and

LSB 2056SV (1) 85
dea/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. 224

1 the fee for voluntary replacement of a driver's license or
2 nonoperator's identification card is \$1. The bill establishes
3 a single replacement fee of \$10.

4 In addition, the bill amends a provision which allows
5 honorably discharged veterans of the armed forces to have their
6 veteran status noted on the face of their driver's licenses.
7 Currently, that option is available at the time a veteran is
8 applying for a new license or for renewal of a license, but
9 not for a replacement license. Under the bill, a licensee may
10 obtain a replacement license marked with the word "VETERAN".
11 The replacement license is subject to the \$10 replacement
12 fee provided for in the bill. The same provisions apply for
13 veterans with nonoperator's identification cards.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate File 225 - Introduced

SENATE FILE 225
BY BRASE

A BILL FOR

1 An Act relating to the determination of city population for
2 purposes of civil service commissions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2246XS (1) 85
aw/rj

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013**

S.F. 225

1 Section 1. Section 400.1, subsection 2, Code 2013, is
2 amended to read as follows:

2. For the purpose of determining the population of a city under this chapter, the most recent decennial federal census ~~conducted in 1980~~ shall be used.

6 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 3, shall not apply to this Act.

EXPLANATION

9 Code section 400.1 currently requires a city having a
10 population of 8,000 or more according to the federal census
11 conducted in 1980 and having a paid fire department or a paid
12 police department, to appoint a civil service commission. Code
13 chapter 400 also establishes several other powers and duties of
14 cities based on population as determined by the federal census
15 conducted in 1980.

16 This bill requires the most recent decennial federal census
17 to be used in determining the population of a city.

18 The bill may include a state mandate as defined in Code
19 section 25B.3. The bill makes inapplicable Code section 25B.2,
20 subsection 3, which would relieve a political subdivision from
21 complying with a state mandate if funding for the cost of
22 the state mandate is not provided or specified. Therefore,
23 political subdivisions are required to comply with any state
24 mandate included in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate Study Bill 1182 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act increasing the amount of tax credits available for
2 eligible refuse conversion facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2276XC (2) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____

1 Section 1. Section 476C.3, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:
3 b. The maximum amount of energy production capacity
4 equivalent of all other facilities the board may find eligible
5 under this chapter shall not exceed a combined output of
6 fifty-three megawatts of nameplate generating capacity and ~~one~~
7 two hundred sixty-seven twenty-two billion British thermal
8 units of heat for a commercial purpose. Of the maximum
9 amount of energy production capacity equivalent of all other
10 facilities found eligible under this chapter, no more than ten
11 megawatts of nameplate generating capacity or energy production
12 capacity equivalent shall be allocated to any one facility. Of
13 the maximum amount of energy production capacity equivalent
14 of all other facilities found eligible under this chapter,
15 ~~fifty-five~~ one hundred ten billion British thermal units of
16 heat for a commercial purpose shall be reserved for an eligible
17 facility that is a refuse conversion facility. Of this
18 amount, fifty-five billion British thermal units of heat for a
19 commercial purpose shall be reserved for an eligible facility
20 that is a refuse conversion facility for processed, engineered
21 fuel from a multicounty solid waste management planning area.
22 The maximum amount of energy production capacity the board
23 may find eligible for a single refuse conversion facility
24 is fifty-five billion British thermal units of heat for a
25 commercial purpose.

26 EXPLANATION

27 This bill increases the amount of energy production capacity
28 equivalent which may qualify for renewable energy tax credits
29 pursuant to Code chapter 476C.

30 The bill increases the amount of British thermal units of
31 heat for a commercial purpose eligible for the credits from 167
32 billion British thermal units to 222 billion British thermal
33 units. The bill provides that the amount of the increase, 55
34 billion British thermal units, shall be added to the current
35 amount of \$55 billion that is reserved for an eligible facility

LSB 2276XC (2) 85

-1-

rn/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____

1 that is a refuse conversion facility, for a total of 110
2 British thermal units reserved.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

Senate Study Bill 1183 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

- 1 An Act relating to drug product selection.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____

1 Section 1. Section 155A.13A, Code 2013, is amended to read
2 as follows:

3 155A.13A Nonresident pharmacy license — required, renewal,
4 drug product selection, discipline.

5 1. *License required.* A pharmacy located outside of this
6 state which delivers, dispenses, or distributes by any method,
7 prescription drugs or devices to an ultimate user in this state
8 shall obtain a nonresident pharmacy license from the board.

9 The board shall make available an application form for a
10 nonresident pharmacy license and shall require such information
11 it deems necessary to fulfill the purposes of this section. A
12 nonresident pharmacy shall do all of the following in order to
13 obtain a nonresident pharmacy license from the board:

14 a. Submit a completed application form and an application
15 fee as determined by the board.

16 b. Submit evidence of possession of a valid license, permit,
17 or registration as a pharmacy in compliance with the laws of
18 the state in which it is located, a copy of the most recent
19 inspection report resulting from an inspection conducted by
20 the regulatory or licensing agency of the state in which it is
21 located, and evidence of compliance with all legal directions
22 and requests for information issued by the regulatory or
23 licensing agency of the state in which it is located.

24 c. Submit a list of the names, titles, and locations of
25 all principal owners, partners, or officers of the nonresident
26 pharmacy, all pharmacists employed by the nonresident pharmacy
27 who deliver, dispense, or distribute by any method prescription
28 drugs to an ultimate user in this state, and of the pharmacist
29 in charge of the nonresident pharmacy. A nonresident pharmacy
30 shall update the list within thirty days of any addition,
31 deletion, or other change to the list.

32 d. Submit evidence that the nonresident pharmacy maintains
33 records of the controlled substances delivered, dispensed, or
34 distributed to ultimate users in this state.

35 e. Submit evidence that the nonresident pharmacy provides,

LSB 2093SC (6) 85

-1-

pf/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____

1 during its regular hours of operation for at least six days and
2 for at least forty hours per week, toll-free telephone service
3 to facilitate communication between ultimate users in this
4 state and a pharmacist who has access to the ultimate user's
5 records in the nonresident pharmacy, and that the toll-free
6 number is printed on the label affixed to each container of
7 prescription drugs delivered, dispensed, or distributed in this
8 state.

9 2. *License renewal.* A nonresident pharmacy shall renew its
10 license on or before January 1 annually. In order to renew
11 a nonresident pharmacy license, a nonresident pharmacy shall
12 submit a renewal fee as determined by the board, and shall
13 fulfill all of the requirements of subsection 1, paragraphs "b"
14 through "e". A nonresident pharmacy shall pay an additional fee
15 for late renewal as determined by the board.

16 3. *Drug product selection.* A nonresident pharmacy is
17 subject to the drug product selection requirements specified
18 in section 155A.32.

19 3- 4. *Discipline.* The board may deny, suspend, or revoke a
20 nonresident pharmacy license for any violation of this section,
21 section 155A.15, subsection 2, paragraph "a", "b", "d", "e",
22 "f", "g", "h", or "i", chapter 124, 124A, 124B, 126, or 205, or
23 a rule of the board.

24 Sec. 2. Section 155A.32, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. The pharmacist shall not exercise the drug product
27 selection described in this section if ~~either~~ any of the
28 following is true:

29 a. The prescriber specifically indicates that no drug
30 product selection shall be made.

31 b. The person presenting the prescription indicates that
32 only the specific drug product prescribed should be dispensed.
33 However, this paragraph does not apply if the cost of the
34 prescription or any part of it will be paid by expenditure of
35 public funds authorized under chapter 249A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____

1 c. The prescriber indicates that a specific drug product
2 should be dispensed and a diagnosis of epilepsy is written on
3 the prescription. For the purposes of this paragraph, "drug
4 product selection" includes dispensing a drug product of another
5 manufacturer instead of the specific drug product the patient
6 is currently prescribed, and substituting a generic version
7 for a brand version, a brand version for a generic version,
8 or a generic version for a generic version of a different
9 manufacturer. For the purposes of this paragraph, a "specific
10 drug product" means a specific drug, strength, dosage form, or
11 dosing regimen from a specific manufacturer.

12 Sec. 3. Section 155A.32, Code 2013, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 4. If drug product selection is prohibited
15 pursuant to subsection 2, paragraph "c", but the specific
16 drug indicated is not available, the pharmacist may dispense
17 a seventy-two-hour emergency supply of a bioequivalent of
18 a specific generic manufacturer's product. If a pharmacist
19 dispenses a bioequivalent drug product under this subsection,
20 the pharmacist shall notify the patient and the prescriber
21 of the substitution and shall resolve the shortage within
22 seventy-two hours of dispensing the substitute drug product.
23 The board shall adopt rules regarding notification of the
24 patient and prescriber under this subsection.

25 NEW SUBSECTION. 5. If drug product selection is prohibited
26 under subsection 2, paragraph "c", any differential in cost to
27 the pharmacy or patient resulting from the prohibition shall be
28 covered by the patient's health carrier as defined in section
29 514J.102.

30 EXPLANATION

31 This bill relates to drug product selection.

32 The bill amends provisions relating to nonresident
33 pharmacies to provide that a nonresident pharmacy is subject
34 to the drug product selection requirements that are currently
35 applicable to resident pharmacies.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 19, 2013

S.F. _____

1 The bill also amends the list of exceptions to a pharmacist
2 exercising drug product selection to provide that a pharmacist
3 shall not exercise drug product selection if the prescriber
4 indicates that a specific drug product should be dispensed and
5 a diagnosis of epilepsy is written on the prescription. The
6 bill also specifies that for the purposes of the exception,
7 drug product selection includes dispensing a drug product of
8 another manufacturer instead of the specific drug product the
9 patient is currently prescribed, and substituting a generic
10 version for a brand version, a brand version for a generic
11 version, or a generic version for a generic version of a
12 different manufacturer. Additionally, for the purposes of
13 the exception, a specific drug product means a specific drug,
14 strength, dosage form, or dosing regimen from a specific
15 manufacturer.

16 The bill also addresses substitutions made when a pharmacy
17 does not have a specific drug product available when drug
18 product selection is prohibited. In those instances, the bill
19 provides that the pharmacist may dispense a 72-hour emergency
20 supply of a bioequivalent of a specific generic manufacturer's
21 product. If a substitute is dispensed, the pharmacist is
22 required to notify the patient and the prescriber of the
23 substitution and to resolve the shortage within 72 hours of
24 dispensing the substitute drug product. The bill directs the
25 board of pharmacy to adopt rules regarding notification of the
26 patient and prescriber.

27 The bill also provides that if drug product selection
28 is prohibited relating to a diagnosis of epilepsy, any
29 differential in cost to the pharmacy or patient resulting
30 from the prohibition shall be covered by the patient's health
31 carrier.